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Mark David Goss
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Commissioner

April 2, 2007

TO: PARTIES OF RECORD

RE: Case No. 2006-00546
BellSouth Telecommunications, Inc. v.
Brandenburg Telephone Company

Enclosed please find a memorandum that has been filed in the record of the above-referenced case. Any comments regarding this memorandum's contents should be submitted to the Commission within five days of receipt of this letter. Questions regarding this memorandum should be directed to Jeb Pinney at 502/564-3940.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell", written over a large, stylized scribble.

Beth O'Donnell
Executive Director

Enclosure

INTRA-AGENCY MEMORANDUM
KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File 2006-00546

FROM: J.E.B. Pinney, Staff Attorney

DATE: March 27, 2006 *JEP*

SUBJECT: Case No. 2006-00546
BellSouth Telecommunications, Inc., v. Brandenburg Telephone Company

On March 15, 2007, representatives for BellSouth Telecommunications, Inc. ("BellSouth") and Brandenburg Telephone Company ("Brandenburg Telephone") participated with Commission Staff in an informal conference regarding the above styled case. A copy of the sign-in sheet of those who attended is attached.

The purpose of the meeting was to discuss BellSouth's complaint against Brandenburg Telephone. The two issues of the complaint regarded: (1) alleged overpayments from BellSouth to Brandenburg Telephone for terminating Area Calling Service ("ACS") traffic; and, (2) alleged overpayments made by BellSouth to Brandenburg Telephone for certain Commercial Mobile Radio Service ("CMRS") minutes of use delivered to Brandenburg Telephone.

The parties first discussed the ACS issue. BellSouth asserted that for several years it was paying Brandenburg Telephone twice for ACS traffic—once through Brandenburg Telephone's CABS system and again through the Settlement Process. When BellSouth discovered this alleged double payment, it ceased the extra payments to Brandenburg Telephone and requested a refund. Brandenburg Telephone stated that it would be willing to pay a refund, but would not unless BellSouth could produce the call detail records ("CDR") to verify what was, and was not, ACS traffic. BellSouth stated that it did not keep CDR for ACS traffics beyond 11 months and could not produce the records. Instead, BellSouth had its current billing records which it claimed proved the double billing. Brandenburg Telephone stated it was possible that BellSouth owed it access charges for the ACS traffic. Brandenburg Telephone stated that it believed it would have been prudent for BellSouth to retain the CDRs for the ACS traffic for which it had been allegedly double billed.

The parties tentatively agreed to review how BellSouth records ACS traffic to see if Brandenburg Telephone would be more amenable to BellSouth's position. BellSouth proposed to give Brandenburg Telephone its records for generic ACS traffic and show that BellSouth never changed its definition of ACS traffic and allow Brandenburg Telephone to check this definition against its records.

The parties also discussed the dispute over billing for CMRS minutes. The parties agreed that the agreement existing between the parties allowed either party to request an audit to determine the proper billing for CMRS minutes. The parties, however, disagreed over which party was to bear the cost of the audit. Apparently, occasionally Brandenburg Telephone's records don't reflect CMRS traffic that BellSouth's records do reflect. The parties also disagreed over what constituted the proper records to be used to determine the proper billing for CMRS minutes.

Counsel for Brandenburg Telephone suggested that Brandenburg Telephone look at BellSouth's CDRs and work with BellSouth to compare those records to Brandenburg Telephone's. It was further suggested that rather than the Commission entering any further procedural schedules in this case, that the parties attempt to reach some sort of settlement, informing the Commission every thirty days of their progress. The parties would have the right to request a hearing or a judgment on the pleadings if the negotiations bore no fruit.

Commission Staff agreed that further time for negotiations might be beneficial and requested that the parties file their updates of negotiations with the Commission 30 days from the date of the informal conference memorandum.

Thereafter the conference adjourned.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NO. 2006-00546

BELLSOUTH TELECOMMUNICATIONS, INC.

COMPLAINANT

V.

BRANDENBURG TELEPHONE COMPANY

DEFENDANT

SIGN IN

March 15, 2007

PERSON

J. E. B. Priney
Jim Stevens
Randall Bradley
Holly Wallace
Cileen Bodamer
John E. Selent
Allison Willoughby
JIM TIPTON
Tim Watts
Tony Taylor

REPRESENTING

Office of General Counsel
psc
BRANDENBURG TELEPHONE
Brandenburg Telephone Co.
Brandenburg
''
''
AT&T
AT&T
AT&T

Case No. 2006-00546
March 15, 2007

PERSON

Mary Kay
Joan Coleman

REPRESENTING

ART Kentucky
at+ Kentucky