

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTHEAST TELEPHONE, INC.'S MOTION TO	)	
COMPEL BELLSOUTH	)	CASE NO.
TELECOMMUNICATIONS, INC. TO COMPLY	)	2007-00071
WITH THE COMMISSION'S AUGUST 16, 2006	)	
ORDER AND BELLSOUTH	)	
TELECOMMUNICATIONS, INC.'S RESPONSE	)	
THERE TO	)	

O R D E R

On January 4, 2007, SouthEast Telephone, Inc. ("SouthEast") filed a motion with the Commission seeking to compel BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") to comply with an August 16, 2006 Order issued by the Commission in Case Nos. 2005-00519 and 2005-00533.<sup>1</sup> SouthEast's motion to compel asserted that AT&T Kentucky had failed to implement the Commission's Order, which required access to switching and transport elements pursuant to 47 U.S.C. § 271 commingled with unbundled loops provided pursuant to 47 U.S.C. § 251.

On January 22, 2007, AT&T Kentucky filed its response to SouthEast's motion to compel, including a cross-motion to compel. On February 28, 2007, the Commission ordered that this matter be held in abeyance until the U.S. District Court for the Eastern

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<sup>1</sup> Case No. 2005-00519, BellSouth Telecommunications, Inc.'s Notice of Intent to Disconnect SouthEast Telephone, Inc. for Non-Payment; and Case No. 2005-00533, SouthEast Telephone, Inc. v. BellSouth Telecommunications, Inc.

District of Kentucky ruled in litigation regarding the Order for which SouthEast and AT&T Kentucky both sought to compel compliance.<sup>2</sup>

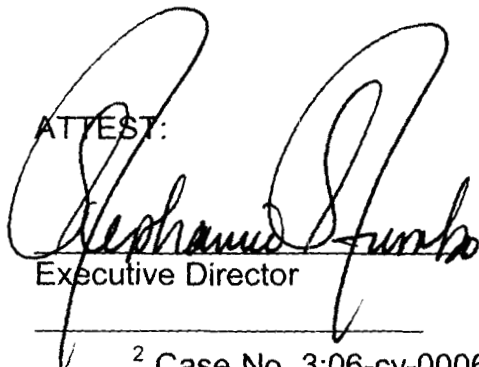
On November 8, 2007, AT&T Kentucky filed a motion to dismiss this proceeding and included a withdrawal of its cross-motion against SouthEast. In support of its motion, AT&T Kentucky notes that on September 18, 2007, the U.S. District Court for the Eastern District of Kentucky issued its Opinion and Order vacating the Commission's August 16, 2006 Order. Moreover, at an informal conference held December 19, 2007, both parties agreed that this proceeding may be dismissed.<sup>3</sup>

IT IS THEREFORE ORDERED that this proceeding is dismissed and removed from the Commission's docket.

Done at Frankfort, Kentucky, this 11th day of April, 2008.

By the Commission

ATTEST:



Stephanie Funkhouser  
Executive Director

<sup>2</sup> Case No. 3:06-cv-00065-KKC, BellSouth Telecommunications, Inc. v. Kentucky Public Service Commission; Mark David Goss, in his official capacity as Chairman of the PSC; Teresa J. Hill, in her official capacity as Vice Chairman of the PSC; and SouthEast Telephone, Inc. (E.D. Ky.).

<sup>3</sup> Case Nos. 2005-00519 and 2005-00533, Order dated November 14, 2007.