

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Ballard Rural Telephone Cooperative Corp.,)
Inc., *et al.*,)
)
Complainants)
)
v.)
)
BellSouth Telecommunications, Inc.)
d/b/a AT&T Kentucky,)
)
Defendant)

Case No. 2011-00199

**AT&T KENTUCKY’S REPLY IN OPPOSITION TO TREATING
KENTUCKY TELEPHONE COMPANY AS A FULL INTERVENOR**

AT&T Kentucky¹ respectfully submits its Reply in Opposition to Treating Bluegrass Telephone Company, Inc. d/b/a Kentucky Telephone Company (“KTC”) as a Full Intervenor. While AT&T Kentucky opposes treating KTC as a full intervenor, KTC’s Response confirms that a reasonable middle course under these circumstances would be for the Commission to grant a deviation from its new rules (as expressly allowed by those rules) and allow KTC to continue to participate as a limited intervenor. This course would both give KTC everything it initially requested and avoid the concerns with full intervention raised in AT&T Kentucky’s Opposition. KTC cannot reasonably object to this resolution, for it has already agreed that limited intervention is sufficient to protect its interests and present its perspective in this case.

KTC originally sought to participate in this case only as a limited intervenor under the version of 807 KAR, § 3(8) in effect at the time. KTC could have sought full intervention at that

¹ BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky.

time under the same standard that applies today.² KTC but chose not to do so, however, presumably because it decided its interests could be fully protected by the rights available to it as a limited intervenor. KTC even emphasized that, from its point of view, limited intervention was sufficient because KTC “would have the full rights of a party at the hearing” and it “d[id] not foresee discovery” and would be able to access any other filings in the case through the Commission’s website. KTC Motion for Limited Intervention at 3. AT&T Kentucky did not oppose KTC’s request for limited intervention, for the reasons set forth in footnote 3 of the Opposition, and the Commission granted it.

In its Order setting a schedule in this case, the Commission noted that its intervention rule had changed and *sua sponte* raised the issue of whether KTC should be treated as a full intervenor. AT&T Kentucky argued that full intervention was inappropriate because of the material differences between limited and full intervention (*see* Opposition at 1 n.3), and because, as a result of the distinctions between KTC and the RLEC Complainants, full intervention would unduly disrupt and complicate the case. KTC asserted that denying full intervention would “substantially harm KTC” (at 1) and “[d]enying KTC full intervention would harm KTC’s interests” (at 4).

KTC’s contentions are disproved by KTC’s own statements and conduct. If KTC truly believed that full intervention was essential to protect its interests, it could have and should have sought full intervention in 2011. But it did not do so, either then or when the rules changed. To the contrary, KTC emphasized in its Motion for Limited Intervention that *limited* intervention was all it needed. KTC Motion for Limited Intervention, at 3.³ KTC also agreed that limited

² The standard for full intervention when KTC filed its motion in 2011, then set forth 807 KAR 5:001, § 3(8)(a), is identical to the standard for full intervention in current rule 807 KAR 5:001, § 4(11).

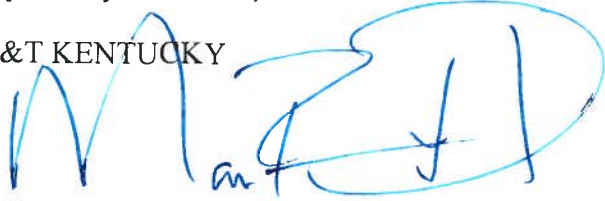
³ Thus, KTC’s own Motion flatly disproves the new claim in its Response (at 4) that obtaining such materials from the Commission’s website “would prevent KTC from truly protecting its interests.”

intervention would be sufficient for it to represent its “interest” and “perspective” in the case and that “[l]imited intervention” was sufficient for it to “present issues and develop facts that will assist the Commission in fully considering this matter.”⁴ *Id.* (emphasis added).

AT&T Kentucky respectfully submits that these specific circumstances constitute a “special case” contemplated by the Commission’s rules, which provide that “[i]n special cases, for good cause shown, the commission may permit deviations from these rules.” 807 KAR 5:001. A deviation from the current rule to allow KTC to continue as a limited intervenor – which is all KTC requested and which no party has opposed – is certainly appropriate here. This would give KTC exactly what it originally requested (and was originally granted) and would avoid the disruption and complications from changing KTC to a full intervenor. KTC cannot reasonably complain about such an outcome, and AT&T Kentucky would not oppose it as a reasonable and fair resolution of this issue.⁵

Respectfully submitted,

AT&T KENTUCKY

By: 
One of Its Attorneys
Mark R. Overstreet
Stites & Harbison PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634

⁴ This statement likewise flatly disproves KTC’s new claim in its Response (at 3-4) that it needs full intervention to present its interests and perspective.

⁵ If the Commission does not elect to allow KTC to continue as a limited intervenor, however, AT&T Kentucky continues to oppose full intervention for all the reasons set forth in its Opposition.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by United States First Class Mail, postage prepaid, upon:

Russell Wiseman
President & CEO
Halo Wireless, Inc.
2351 West Northwest Highway, Suite 1204
Dallas, Texas 75220

John E. Selent
Edward T. Depp
Jerrad T. Howard
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, Kentucky 40202

Jennifer M. Larson
McGuire, Craddock & Strother, P.C.
2501 North Hardwood, Suite 1800
Dallas, Texas 75201

Douglas F. Brent
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828

Katherine W. Ross
Regard Law Group, PLLC
269 West Main Street, Suite 600
Lexington, Kentucky 40507-1759

on this the 7th day of October, 2013.



Mark R. Overstreet