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JUN 16 2004

PUBLIC SERVICE  
COMMISSION

**LOUISVILLE**

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502-540-2309  
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June 16, 2004

**via Hand Delivery**

Ms. Beth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

**Re: *Adoption of Interconnection Agreement Between BellSouth  
Telecommunications, Inc. and MCI Worldcom Communications, Inc. by  
Universal Telecom, Inc., Case No. 2004-00172***

Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of Universal Telecom, Inc.'s Motion to Compel in the above-styled case.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk

Enclosure

cc: Ms. Jennifer Hart (w/enclosure)  
John E. Selent, Esq. (w/o enclosure)

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COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

*In the Matter of:*

**ADOPTION OF INTERCONNECTION )  
AGREEMENT BETWEEN BELLSOUTH )  
TELECOMMUNICATIONS, INC. AND ) Case No. 2004-00172  
MCI WORLDCOM COMMUNICATIONS, INC. )  
BY UNIVERSAL TELECOM, INC. )**

**MOTION TO COMPEL**

Universal Telecom, Inc. ("Universal Telecom"), by counsel, pursuant to 47 U.S.C. § 252(i) and the Commission's May 19 and June 14 orders in the above-styled case, moves the Kentucky Public Service Commission (the "Commission") to compel Bellsouth Telecommunications, Inc. ("Bellsouth") to: (1) immediately take all necessary actions, including establishing the Q account, in order to fill Universal Telecom's orders placed under the interconnection agreement adopted by Universal Telecom, and (2) start filling Universal Telecom's orders no later than Monday, June 21, 2004. In support of its motion, Universal Telecom states as follows.

On May 11, 2004, Universal Telecom filed with the Commission a notice of intent to adopt the currently effective interconnection agreement between BellSouth and MCI Worldcom Communications, Inc. ("MCI"). On May 19, 2004 the Commission granted Universal Telecom's request to adopt the agreement. "Pursuant to 47 U.S.C. § 251(i), Universal Telecom is entitled to adopt the agreement. The Commission, having been otherwise sufficiently advised, **HEREBY ORDERS** that the request of Universal Telecom to adopt the currently effective interconnection agreement between Bellsouth and MCI Worldcom is granted, effective the date of this order." *Order*, Case No. 2004-00172, May 19, 2004.

On May 24, 2004 BellSouth filed a motion for reconsideration of the Commission's May 19, 2004 order. BellSouth did not request a stay of the Commission's May 19th order, it requested reconsideration only. The Commission denied BellSouth's motion on June 14, 2004, and reaffirmed its order of May 19, 2004. "The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that the motion of BellSouth for reconsideration of the May 19, 2004 Order granting the request of Universal Telecom to adopt the currently effective interconnection agreement between BellSouth and MCI is denied and that Universal Telecom's adoption of the agreement is effective as of May 19, 2004." *Order*, Case No. 2004-00172, June 14, 2004, p.2. Thus, in its June 14 Order, the Commission expressly stated that Universal Telecom's adoption of the BellSouth-MCI interconnection agreement was effective as of the date of the Commission's original, May 19 Order.

Despite the fact that the Commission has twice held that Universal Telecom's adoption of the interconnection agreement was effective as of May 19, 2004, BellSouth continues to refuse to fill Universal Telecom's orders. BellSouth has engaged in delay tactics throughout this process and continues to do so. It now insists that Universal Telecom agree to changes in the BellSouth-MCI agreement before it will even begin to set up the Q account. In addition, BellSouth claims it will need an additional thirty-five days, after Universal Telecom agrees to the proposed changes, to begin processing Universal Telecom's orders.

Once I have the signature pages [agreeing to the proposed changes], I'll have my management sign and I'll execute the agreement into our system. It will show it being effective on May 19th pursuant to the Commission order. You'll need to contact Tim Hopkins in Birmingham to process the Q account information for setting up the proper UNE billing accounts . . . . **As discussed on the call this afternoon, our normal process takes five days to execute the agreement and we request 30 days to load the rates.**

June 15, 2004 email from John M. Hamman, Manager BellSouth Interconnection Services to Jennifer Sibray of Universal Telecom, attached as Exhibit 1 (emphasis added).

BellSouth's insistence that Universal Telecom sign a document agreeing to changes in the BellSouth-MCI interconnection agreement is in direct conflict with, and in blatant disregard of, the Commission's orders in this case. The Commission made it abundantly clear that Universal Telecom had the right to adopt the currently effective agreement. The Commission did not place any conditions on Universal Telecom's ability to adopt the agreement. On the contrary, the Commission explicitly stated that Universal Telecom's adoption was effective May 19, 2004. BellSouth's attempt to force Universal Telecom to agree to changes in the interconnection agreement is nothing less than contemptuous of the Commission's authority. The Commission should not allow BellSouth to flaunt the Commission's authority and disregard its orders.

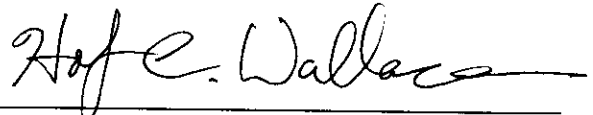
In addition to insisting that Universal Telecom agree to changes in the interconnection agreement, BellSouth states that it will not fill Universal Telecom's orders for at least another thirty-five days because it needs five days to "execute the agreement" and thirty days to "load the rates." BellSouth's justification for the additional thirty-five days is insulting. The parties do not need to execute the agreement. Nothing needs to be signed. The Commission held that the adoption was effective as of May 19, 2004; therefore, BellSouth does not need five days "to execute the agreement."

Moreover, BellSouth is not entitled to an additional thirty days to set up the Q account. This is just one more example of BellSouth's attempts to delay implementation of the interconnection agreement in order to gain a competitive advantage. First, BellSouth already knows the rates and has them in its system because the rates are part of the currently existing BellSouth-MCI agreement. Therefore, BellSouth should not need thirty days to load the rates into the system. Second, even if BellSouth were to need thirty days to load the rates into the system, BellSouth has known since May 19, 2004 that Universal Telecom had, with the

Commission's approval, adopted the BellSouth-MCI interconnection agreement. BellSouth never requested a stay of the Commission's May 19 Order. Therefore, the thirty days allegedly needed to set up the Q account should start running as of May 19, 2004. Accordingly, the Commission should order BellSouth to begin filling Universal Telecom's orders as of Monday, June 21, 2004.

For the reasons stated above, Universal Telecom requests that the Commission grant its motion to compel and order BellSouth to: (1) immediately take all necessary actions, including establishing the Q account, in order to fill Universal Telecom's orders, and (2) start filling Universal Telecom's orders no later than Monday, June 21, 2004.

Respectfully submitted,



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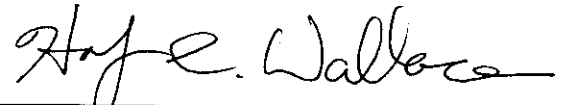
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(502) 585-2207 (Fax)  
john.selent@dinslaw.com (E-mail)

**COUNSEL TO UNIVERSAL  
TELECOM, INC.**

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing has been served by first-class United States mail, sufficient postage prepaid, this 16th day of June 2004 upon the following:

Dorothy J. Chambers, Esq.  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street, Room 407  
P.O. Box 32410  
Louisville, Kentucky 40232



**Counsel to Universal Telecom, Inc.**

-----Original Message-----

**From:** Hamman, John [mailto:John.Hamman@BELLSOUTH.COM]

**Sent:** Tuesday, June 15, 2004 4:34 PM

**To:** Jennifer Sibray

**Cc:** SELENT, JOHN; Karno, Michael D

**Subject:** Universal RE: Follow up

Jennifer.

Attached is the Proposed Adoption papers to meet the Kentucky PSC order and a copy of the MCI agreement dated 5/3/04 which is Exhibit 1 to the Adoption.

1) I have proposed changes to GTC's term language to remove retroactive and provide for termination of agreement on expiration. It goes to the Standard on termination.

2) I have proposed a change to the notices section for our website notification and removing the 45 day requirement. (This was in the Ztel Adoption)

3) I have inserted changes for ISP comp.

4) I added removal of the LNP rate as this is being removed from our FCC tariff.

5) I've added rates for the Melded Tandem rates to reflect the appropriate charges for UNE-P.

If you're OK with this, then have a signature page faxed back to me at 404-529-7839 (Fax) and send me two signature pages to:

Send Two Signature pages to:

John M. Hamman  
BellSouth Telecommunications Room 34S91  
675 W. Peachtree St.  
Atlanta, Georgia 30375

Once I have the signature pages, I'll have my management sign and I'll execute the agreement into our system. It will show it being effective on May 19th pursuant to the Commission order. You'll need to contact Tim Hopkins in Birmingham to process the Q account information for setting up the proper UNE billing accounts.

BellSouth loads rates for each individual CLEC contract and associates it in our systems to provide the necessary authorization for pre-ordering, ordering, billing, and maintenance. This insures that once Universal processes orders to the system for your customers, BellSouth can provision in accordance with our obligations of the Contract and orders can flow through.

As discussed on the call this afternoon, our normal process takes five days to execute the agreement and we request 30 days to load the rates. I have asked our billing people to expedite the loading of rates and will advise you as to what can be expected once I have an executed agreement.

John M. Hamman-Manager  
BellSouth Interconnection Services  
Telephone: 404-927-1992  
iPage: JohnHamman@imcingular.com

-----Original Message-----

**From:** Jennifer Sibray [mailto:JenniferS@UniversalTelecomInc.com]  
**Sent:** Tuesday, June 15, 2004 4:01 PM  
**To:** Hamman, John  
**Cc:** SELENT, JOHN  
**Subject:** Follow up

John,

I just wanted to follow up our phone conversation with written communication. Universal Telecom requests that an executable agreement be sent via e-mail for signature purposes which I will look for on my e-mail account. Also we stand firm in our request that the 30 day time frame for the Q account set up be held to the effective date of the agreement (May 19, 2004). There should be no further 30 day delay based on the fact that the rates to be loaded currently exist for MCI and Z-Tel and that there has been ample time to put those in place pending an executed agreement. We request that Universal Telecom be able to submit flow through orders as of Monday June 21, 2004.

If you would please send to me BellSouth's estimated time frame for the above-mentioned requests, I would appreciate it.

Thank you,

Jennifer Sibray  
Universal Telecom, Inc.

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