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2650 AEGON CENTER | 400 WEST MARKET STREET | LOUISVILLE, KENTUCKY 40202-3377
(502) 568-9100 PHONE | (502) 568-5700 FAX | WWW.SKP.COM

DOUGLAS F. BRENT
502-568-5734
Brent@skp.com

November 25, 2005

RECEIVED

NOV 28 2005

PUBLIC SERVICE
COMMISSION

Elizabeth O'Donnell
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

RE: Emergency Motion

Case No. 2005-00475

Dear Ms. O'Donnell:

Enclosed please find the original and ten copies of Bluegrass Telephone, Inc. d/b/a Kentucky Telephone Company's Emergency Motion. Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via the enclosed self-addressed, prepaid envelope.

Sincerely Yours,



Douglas F. Brent
Counsel to Kentucky Telephone Company

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLUEGRASS TELEPHONE COMPANY
d/b/a KENTUCKY TELEPHONE.

v.

KY ALLTEL, INC.

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PUBLIC SERVICE
COMMISSION

Case No. 2005-00475

**EMERGENCY MOTION FOR ORDER TO PREVENT
UNLAWFUL INTERFERENCE WITH SERVICE**

Bluegrass Telephone Company, d/b/a/ Kentucky Telephone ("KTC"), pursuant to KRS 278.040, moves the Commission for an emergency order enforcing KRS 278.520 by requiring KY ALLTEL, Inc. ("ALLTEL") to cease blocking local and long distance calling originating from the customers of KTC and routed via interconnection arrangement and/or ALLTEL-provided access trunks and switched access services. Emergency relief is required because within the past 10 days ALLTEL has repeatedly interfered with KTC's business by blocking local, and in some cases, long distance, calls originating from KTC's customers. ALLTEL's intentional actions are damaging KTC's goodwill with its customers, tend to discredit KTC as competitor, and harm KTC's customers, whose service has been, and apparently will continue to be, seriously disrupted by ALLTEL's behavior.

EMERGENCY MOTION

KTC is a competitive local exchange carrier providing service in Grayson and Hardin counties, including to the cities of Elizabethtown, Leitchfield, and Clarkson. KTC provides service by combining its own switching with loops, transport and other network elements purchased from the incumbent, Kentucky ALLTEL, Inc. (“ALLTEL”). KTC is not alone as a facilities-based competitor in the Elizabethtown area. Brandenburg Telecom also competes both with ALLTEL and KTC. KTC is party to an interconnection agreement (“ICA” or “agreement”) with ALLTEL which is on file at the Commission, as acknowledged by an order issued May 3, 2004 in Case No. 2004-00137.

On October 17, 2005, counsel for KTC contacted counsel for ALLTEL concerning ALLTEL’s various failures to honor its obligations to KTC under the agreement. ALLTEL’s twofold response to KTC’s protests bears the hallmarks of monopolist behavior. First, rather than address the issues raised by KTC and honor its contractual obligations, ALLTEL sent a notice of cancellation of the interconnection agreement. Second, beginning after October 17, and in the guise of doing “translations verifications” in ALLTEL’s local network, ALLTEL has begun selectively interfering with traffic originating from KTC’s customers. Most of the havoc caused by ALLTEL has affected CLEC to CLEC customer calling in ALLTEL’s territory. The affected traffic is generally those local calls originating from a KTC customer and terminating to a Brandenburg Telecom customer in the same local calling area. The resulting disruptions were naturally perceived

by end users to have been caused by KTC, their local carrier. Even after informal complaints to ALLTEL, and long after counsel for KTC explained to ALLTEL its legal obligation to transit traffic from KTC to Brandenburg Telecom, pursuant to PSC orders issued after a comparable dispute involving Verizon, the interference has continued.

The still effective interconnection agreement provides that either party may ask the Commission to mediate certain disputes. KTC hereby requests that the Commission, in addition to issuing an emergency “standstill” order preventing ALLTEL from disrupting KTC’s traffic, schedule an informal conference and provide mediation services to address traffic routing and other issues between the parties. Due to the urgency of the situation, only the blocking issue is outlined in this motion.

**ALLTEL’s Refusal to Transit Local Calls
To Non-ALLTEL Customers and Retaliatory Blocking**

The ALLTEL and KTC exchange areas each include the cities of Clarkson and Leitchfield. In other words, Clarkson is local to Leitchfield. (These cities are approximately four miles apart.) KTC interconnects with ALLTEL, enabling KTC customers to call ALLTEL customers within this local calling area. However, ALLTEL claims it has no obligation to complete local calls to subscribers in the local calling area who are not ALLTEL customers. For example, Brandenburg Telecom (“BBT”), competes with ALLTEL in Clarkson, and BBT customers may have telephone numbers ported from ALLTEL, e.g., 270-242-XXXX. ALLTEL claims it has no obligation to transit this traffic to BBT, claiming the BBT customers do not subtend ALLTEL’s local tandem.

ALLTEL's position is of course directly contradicted by binding Commission precedent. More than a month ago counsel for KTC informed ALLTEL of the Commission's May 23, 2002 decision in Case No. 2002-00143, a complaint case brought by Brandenburg Telecom against ALLTEL's predecessor in interest *for the same exchanges*, in which the Commission determined the ILEC has an obligation under federal and state law to transit all CLEC traffic destined for *telephone numbers within the same local calling exchange*. ALLTEL responding most illogically, by claiming this Commission decision does not apply to the dispute between KTC and ALLTEL.

ALLTEL has also resisted its obligations to transit local traffic between Elizabethtown and Radcliff. Radcliff is local to Elizabethtown. (These cities are approximately 13 miles apart.) ALLTEL claims KTC cannot route traffic destined for Radcliff (e.g., 270-351-XXXX) because the Radcliff end office(s) does/do not subtend the ALLTEL tandem in Elizabethtown. Again, ALLTEL is incorrect – ALLTEL is required to transit all KTC traffic destined for numbers within the same local calling area, and the PSC has so ruled.

Regarding both situations described above, it is technically feasible for ALLTEL to handle the traffic. Indeed, ALLTEL was handling this traffic while claiming it had no obligation to do so. ALLTEL threatened to block the calls effective October 31, 2005. Counsel for KTC sought assurances from ALLTEL that traffic would not be blocked, and withheld filing a complaint based upon what seemed to be sufficient assurance that ALLTEL would honor its obligations pending any further negotiations between the parties. However, since October 31, ALLTEL has deliberately blocked traffic on at least three different dates, as described below:

- **Friday, November 11** – Beginning at approximately 8:30 AM CST, no KTC customers could complete long distance calls. This traffic is all routed from KTC’s Leitchfield office to ALLTEL’s Elizabethtown tandem via access trunks. KTC contacted its wholesale long distance providers and confirmed no problems or outages. After numerous attempts to contact ALLTEL, without resolution, KTC learned through its SS7 provider that the ALLTEL tandem was signaling “no circuits available,” confirming that the problem affecting KTC was caused by ALLTEL. After additional calls to ALLTEL’s emergency line, the problem suddenly corrected at 7:34 PM CST.
- **Thursday, November 17** – KTC learned its traffic destined for the Brandenburg tandem was not being completed, and contacted Steven Williams of ALLTEL via email. ALLTEL’s written response¹ to KTC revealed that ALLTEL had actually been blocking some traffic for *two weeks* without notifying KTC.
- **Friday, November 18, 2005** – despite having stated only one day earlier that no further changes were planned, and that ALLTEL would email KTC before starting additional “translations verification” in the future, ALLTEL begin blocking traffic originating from KY Telephone’s customers in Leitchfield and destined for certain numbers associated with the Leitchfield rate center. For example, ALLTEL blocked calls originating from 270-259-XXXX terminating to 270-287-3080 and 270-230-3525. Both of these NXXs are local to Leitchfield. The blocking mysteriously ended after an undetermined number of hours.

Obviously, blocking the traffic has harmed KTC, its customers, and presumably the customers of BBT, and Bluegrass Cellular. The anticompetitive effect of ALLTEL’s actions should be immediately obvious to the Commission. Absent prompt Commission action, KTC believes ALLTEL will continue its campaign to harm KTC and its customers by selectively interfering with originating local and long distance traffic.

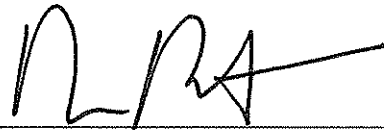
¹ The text of an email from ALLTEL’s staff manager for translations is attached as Exhibit 1 to this motion.

BASIS FOR RELIEF

KRS 278.520 requires that ALLTEL receive and transmit KTC's messages without unreasonable delay or discrimination. The Commission has authority under KRS 278.040(1) to enforce any provision of Chapter 278. Immediate enforcement is warranted here, where ALLTEL's course of conduct has harmed KTC and the customers entitled to receive adequate, efficient and reasonable service. *See* KRS 278.030(2).

WHEREFORE, KTC requests an emergency order from the Commission to prevent ALLTEL from continuing to interfere with KTC by blocking local and long distance calling originating from its customers. Should the Commission believe additional procedures are necessary, KTC requests that the Commission enter its order establishing such procedures, including mediation and/or a hearing.

Respectfully submitted,




Douglas F. Brent
Deborah T. Eversole
STOLL, KEENON & PARK, LLP
400 W. Market Street, Suite 2650
Louisville, Kentucky 40202
(502) 568-9100

COUNSEL FOR BLUEGRASS TELEPHONE d/b/a KENTUCKY TELEPHONE

Certificate of Service

A copy of the foregoing was served this 25th day of November, 2005, upon Stephen Rowell, counsel for KY ALLTEL, Inc.

Stephen B. Rowell
ALLTEL Communications, Inc.
Mailstop: 1269 B5-F11-C
One Allied Drive
Little Rock, AR 72202

A handwritten signature in black ink, appearing to read 'D. Brent', is written over a horizontal line.

Douglas F. Brent

EXHIBIT 1

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

From: Steven.G.Williams@alltel.com

To: joe@bgtelco.com

Sent: Thursday, November 17, 2005 2:47 PM

Subject: RE: Routing

Joe,

We started a major clean-up project a couple of weeks ago, in correlation to several wireless carriers Pooling Type 1 blocks out of ALLTEL NXX's. That included Elizabethtown. Part of the clean-up includes accepting only 10-digits on tandem trunk groups, and reviewing the NXX's we route through the tandem. I mentioned this effort on the phone the other evening.

The Brandenburg ILEC NXX's reside behind the RDCLKYXA1GT tandem, and not all of the Rate Centers are local calling to ALLTEL Rate Centers. Therefore the NXX's were removed about two weeks ago.

However, after further investigation, we will add the NXX's that are local to ALLTEL offices. That includes the Radcliff and Vine Grove Rate Centers. Those additions will be completed before 4:00 PM today.

No further changes are planned at this time. In the future, I will email you when we start additional translations verification in the tandem.

We apologize for the inconvenience. The Elizabethtown tandem is proving to be quite a challenge.

Thanks

Steven Williams

Staff Mgr - Translations

704-845-7258

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

From: Joe McClung [mailto:joe@bgtelco.com]

Sent: Thursday, November 17, 2005 2:53 PM

To: Williams, Steven G

Subject: Routing

Steve,

Can you verify nothing has changed with relation to our calls being completed through the tandem to Brandenburg?

All of our calls are failing to the Radcliff tandem. We just got word of this today.

Joe McClung
Ky Telephone
270-259-8504