



**BellSouth Telecommunications, Inc.**  
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**Dorothy J. Chambers**  
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March 8, 2006

Ms. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

**RECEIVED**

**MAR 09 2006**

**PUBLIC SERVICE  
COMMISSION**

Re: SouthEast Telephone, Inc., Complainant v. BellSouth  
Telecommunications, Inc., Defendant  
PSC 2005-00533

Dear Ms. O'Donnell:

Enclosed is BellSouth's Motion Requesting the Commission to require SouthEast Telephone, Inc. ("SouthEast") to pay for services ordered or to place those funds in escrow during the pendency of this matter.

On December 2, 2005 BellSouth advised the Commission of BellSouth's intent to disconnect service to SouthEast because SouthEast had failed to pay for resale services it was ordering, and receiving, from BellSouth and instead was only paying UNE-P rates. This matter has been discussed in an informal telephone conference with Commission Staff. Briefing has been completed. Even initially, the unpaid amount was significant. BellSouth provided that amount to the Commission with a request for confidentiality, which confidentiality request SouthEast supported. Now, more than three months after BellSouth initially brought this matter to the Commission's attention, the unpaid amount has grown even greater.

The briefing in this proceeding was completed on January 25, 2006. BellSouth respectfully urges the Commission to promptly consider BellSouth's Motion to require SouthEast to pay the sums owed, place them in escrow, or resolve the underlying legal issues.

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BellSouth encloses the original and ten (10) copies of its Motion for filing in this case.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dorothy J. Chambers".

Dorothy J. Chambers

Enclosures

cc: Parties of Record

624986

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTHEAST TELEPHONE, INC.	)	
	)	
COMPLAINANT	)	CASE NO.
	)	2005-00533
VS.	)	
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
	)	
DEFENDANT	)	

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
MOTION REQUIRING SOUTHEAST TELEPHONE  
TO PAY DISPUTED SUMS OR PAY IN ESCROW**

BellSouth Telecommunications, Inc., (“BellSouth”), by counsel, respectfully brings to the attention of the Public Service Commission (the “Commission”), the fact that SouthEast Telephone, Inc.’s (“SouthEast”) continued ordering of resale services, but payment only at UNE-P rates, creates a continuing and growing unpaid balance, about which BellSouth reasonably has concerns as to SouthEast’s eventual payment if the current circumstances are allowed to continue.

As the Commission is aware, this proceeding concerns SouthEast’s refusal to pay for resale services that SouthEast has ordered and received under the parties’ interconnection agreement (“ICA”). Instead SouthEast has paid BellSouth only at the lesser, and no longer authorized, UNE-P rates. BellSouth previously has advised the Commission of the approximate magnitude of the amount in question. That amount continues to grow while this matter has been pending.

On December 2, 2005, BellSouth sent advance notice to the Commission of BellSouth's intent to disconnect SouthEast for non-payment. *See* KPSC Case No. 2005-00519. On December 13, 2005, SouthEast filed a Complaint and Request for Emergency Injunctive Relief, Case No. 2005-00533. The parties and Commission staff participated in a conference call on December 15, 2005, wherein the parties agreed that there were no factual issues in dispute and that the matter could be resolved on the briefs. BellSouth also suggested, since it was agreed there were no disputed factual issues, that in lieu of briefs the matter be heard by oral argument to resolve the legal issues expeditiously. By order of December 16, 2005, the Commission ordered: BellSouth not disconnect SouthEast's service during the pendency of these proceedings; Case No. 2005-00519 be held in abeyance pending the outcome of this case; and set a briefing schedule as follows, BellSouth to file its brief within 30 days of the Order and SouthEast file its reply brief within 40 days of the Order.

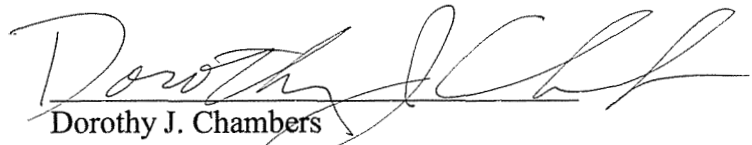
On December 20, 2006, BellSouth filed a Motion to Shorten the Time for Briefing so that the matter could be considered more expeditiously. In that motion, BellSouth requested that the Commission shorten BellSouth's briefing and answer time and allow SouthEast its full ten days to reply, following the filing of BellSouth's brief and answer. Because of the intervening Christmas and New Years holidays, the Commission did not rule on BellSouth's request to shorten the briefing schedule. Thus, pursuant to the Commission's original schedule, briefing of the issues was completed on January 25, 2006, almost six weeks ago.

In the meantime, the significant amount that SouthEast owes BellSouth continues to grow. Because the amount in dispute is so significant and will continue to become more so as time passes, BellSouth requests the Commission require SouthEast to either pay BellSouth for

the services SouthEast orders and is receiving, or place the funds in an escrow account pending the outcome of this proceeding.

Accordingly, for the foregoing reasons BellSouth respectfully requests that the Commission require SouthEast to pay for services rendered or to escrow that amount during the pendency of this proceeding. In the alternative, BellSouth respectfully requests that the Commission promptly resolve the legal issues on the briefs that have been filed by both parties.

Respectfully submitted,



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COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

**CERTIFICATE OF SERVICE – PSC 2005-00533**

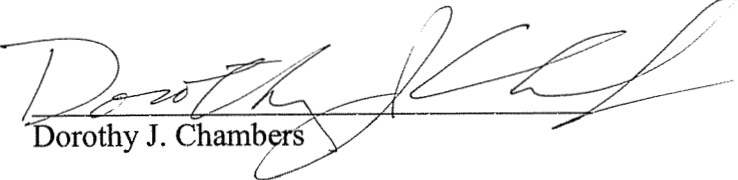
It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 8th day of March 2006.

Darrell Maynard  
SouthEast Telephone, Inc.  
106 Power Drive  
P. O. Box 1001  
Pikeville, KY 41502-1001

Hon. Jonathon N. Amlung  
AMLUNG Law Offices  
616 S. 5th Street  
Louisville, KY 40202

Bethany Bowersock  
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106 Power Drive  
P. O. Box 1001  
Pikeville, KY 41502-1001

Hon. David L. Sieradzki  
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Dorothy J. Chambers