

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL TELCOM, LLC)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00448
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

On May 8, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”) filed a motion to file a response to certain issues raised in the post-hearing brief of South Central Telcom, LLC (“South Central”). As grounds for the motion, AT&T Kentucky alleges that South Central made misstatements of fact as well as references to information not presented as evidence in the hearing. AT&T Kentucky requests that it be allowed to respond to these issues and proposes that South Central be allowed an opportunity to reply to AT&T Kentucky’s response.

On May 11, 2009, South Central filed its response and opposition to AT&T Kentucky’s motion. In its response, South Central argues that the Commission should deny AT&T Kentucky’s motion because: (1) the Commission’s Orders do not provide for the filing of response briefs; (2) South Central’s factual assertions are supported by the record; and (3) no further briefing is required as the matter has already been exhaustively briefed. South Central also notes that AT&T Kentucky’s proposal does not

provide for South Central to file a response brief to AT&T Kentucky's initial post-hearing brief.

KRS 278.390 provides that an Order of the Commission remains "in force . . . until revoked or modified by the commission. . . ." The Commission, therefore, may modify any of its Orders, including the procedural schedule in this case, to allow for additional response. Accordingly, AT&T Kentucky's request is not barred merely because the Commission previously has not provided for additional responsive briefs.

The Commission finds no harm in allowing for additional briefs to be filed in this case, especially if South Central may reply to both of AT&T Kentucky's post-hearing briefs. The filing of additional briefs is likely to be beneficial to the Commission in ensuring that the record is fully developed.

IT IS THEREFORE ORDERED that:

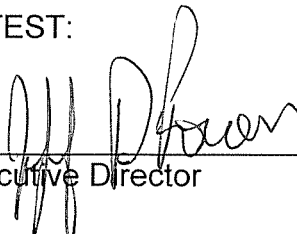
1. AT&T Kentucky's motion to file a response to South Central's post-hearing brief is granted.
2. AT&T Kentucky's response shall be filed no later than July 19, 2009.
3. South Central's reply to AT&T Kentucky shall be filed no later than July 23, 2009.
4. AT&T Kentucky's response shall be limited to addressing the alleged misstatements of fact and references to information not in the record contained in South Central's post-hearing brief.
5. South Central's reply shall be limited to replying to AT&T Kentucky's response as well as to any alleged misstatements of fact and references to information not in the record contained in AT&T Kentucky's post-hearing brief.

6. The responses and replies filed pursuant to the Order shall not exceed ten pages in length.

By the Commission

ENTERED
JUN 30 2009 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

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