

# SouthEast Telephone

June 12, 2009

Via UPS Overnight

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

RECEIVED

JUN 15 2009  
PUBLIC SERVICE  
COMMISSION


Re: SouthEast Telephone, Inc., Complainant v. BellSouthTelecommunications, Inc. d/b/a AT&T  
Kentucky, Defendant  
Case No. 2008-00279

Dear Mr. Derouen:

Enclosed please find SouthEast Telephone's Motion for Reconsideration and ten (10) copies.

Thank you for your attention to this matter, if you have any questions or concerns feel free to contact me at your convenience.

Sincerely,



Bethany Bowersock  
In House Counsel  
SouthEast Telephone, Inc.

Enclosures

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

SOUTHEAST TELEPHONE, INC	)	
	)	
Complainant,	)	
	)	
v.	)	CASE NO. 2008-00279
	)	
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
d/b/a AT&T KENTUCKY	)	
	)	
Defendant	)	

**SOUTHEAST TELEPHONE, INC.’S  
MOTION FOR RECONSIDERATION**

SouthEast Telephone, Inc. (“SouthEast”), by counsel, hereby requests reconsideration of the Commission’s determination, in its Order of June 11, 2009, that it will not consider in this case whether SouthEast is entitled to a port commingled with a copper loop (and retroactive bill credits for the same) to serve customers that are currently served by a pair gain multiplexed system or by means of lines currently containing load coils. The issue is central to the case, for numerous lines to which SouthEast contends it is entitled to commingling (and therefore to bill credits retroactively to July 2008) are allegedly “disqualified” from receiving commingling credits for these very reasons. In its December 29, 2008 response to Commission Data Request Number 5, SouthEast included in its computations of bill credits owed amounts for these allegedly disqualified lines.

The dispute concerning SouthEast’s commingling requests for these lines has, in short, been a part of this case from the beginning.

The Commission stated in its Order, at 6-7, that SouthEast’s complaint with regard to these issues “fall under the larger concepts of line conditioning and line sharing.” SouthEast does not disagree that additional provisions of law prohibit AT&T from denying the

infrastructure configuration SouthEast requests. However, when AT&T peremptorily refuses to provide a commingled arrangement without even determining whether or not a nondesigned copper line is available, or without making any effort to remove the load coils (which it is contractually bound to do), SouthEast's right to commingled arrangements - in addition to its rights under other provisions of law - has in fact been violated. The Commission also states that SouthEast's complaint "did not entail questions about AT&T Kentucky's performance in maintaining the portions of the loops leased by SouthEast." *Id.* at 7. However, SouthEast does not complain here about maintenance. It complains because its right to commingled arrangements pursuant to numerous Commission orders is being violated by such transparent pretexts as pair-gain and load coil disqualification.

SouthEast respectfully requests that the Commission reconsider its decision not to address the issue as to whether AT&T has unlawfully refused to provide commingled arrangements, or at least bill credits, retroactively to July 2008, for certain lines to which it has applied automatic load coil or pair gain disqualifications. A determination of the amount of credits to which SouthEast is entitled is dependent upon a finding as to *which* lines must lawfully be subject to the commingling arrangement SouthEast seeks.

Respectfully submitted,



Bethany Bowersock  
SouthEast Telephone, Inc.  
106 Scott Ave.  
Pikeville, KY 41502  
(606) 437-3097

Deborah T. Eversole  
Douglas F. Brent  
STOLL KEENON OGDEN, PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 333-6000

*Counsel for SouthEast Telephone, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of June, 2009, a full and complete copy of the foregoing was sent by UPS Overnight, postage prepaid, to Mary K. Keyer, 601 W. Chestnut Street, Room 407, Louisville, Kentucky, 40203; Lisa S. Foshee, 675 W. Peachtree Street, N.W., Atlanta, Georgia 30375; and Douglas F. Brent, Stoll Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, KY 40202.

  
Counsel for SouthEast Telephone, Inc.