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June 19, 2009

RECEIVED

JUN 19 2009

PUBLIC SERVICE
COMMISSION

VIA COURIER

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: SouthEast Telephone, Inc., Complainant v. BellSouth
Telecommunications, Inc. d/b/a AT&T Kentucky, Defendant
KSPC 2008-00279

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and six (6) copies of BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky's Responses to SouthEast Telephone's Second Set of Data Requests

Sincerely,


Mary K. Keyer

cc: Parties of Record

Enclosures

737765


CERTIFICATE OF SERVICE – PSC 2008-00279

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by U.S. Mail and electronic mail this 19th day of June, 2009.

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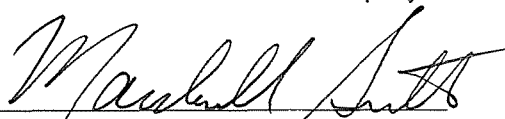
Mary K. Keyer

CERTIFICATION

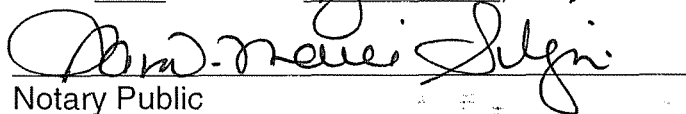
STATE OF New Jersey
COUNTY OF Essex

Before me, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Marshall Smith, who, being by me first duly sworn, deposed and said that:

On behalf of BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky, he supervised the preparation of AT&T Kentucky's Responses to the Second Set of Data Requests of SouthEast Telephone, Inc., Propounded to BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky, dated June 10, 2009, in Kentucky Public Service Commission Case No. 2008-00279, *SouthEast Telephone, Inc., Complainant v. BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky*. He certifies that the Responses are true and accurate to the best of his knowledge, information, and belief formed after a reasonable inquiry.


MARSHALL SMITH

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 15th DAY OF June, 2009


Notary Public

My Commission Expires:



REQUEST: Does AT&T believe that the Commission's Order in Case No. 2004-00427, *In the Matter of Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law* (Dec. 12, 2007) (the "Change of Law Order") was effective on its issuance date?

RESPONSE: Objection. This request asks for a legal conclusion to which AT&T Kentucky is not required to respond. Without waiving this objection, AT&T Kentucky states that the order speaks for itself.

REQUEST: If the answer to Data Request 1 is yes, explain why AT&T believes compliance with that order was unnecessary until December 2008.

RESPONSE: Not applicable. Additionally, AT&T Kentucky objects to the form of this question as it states a false assumption.

REQUEST: State why AT&T believes that it should be permitted to retain profits attributable to its having charged SouthEast wholesale local platform ("WLP") prices for customer lines for which SouthEast was entitled to less expensive commingled arrangements pursuant to the Change of Law Order.

RESPONSE: Objection. In addition to this request stating incorrect and false assumptions, the information requested is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST: Refer to AT&T's Response to SouthEast's First Set of Data Requests, Item No.3, wherein AT&T states that it does not actually undertake physical activities (except for a billing change) when it converts a SouthEast WLP line to a commingled arrangement. Provide the actual cost basis for the \$79.92 "installation" charge for converting a WLP line to a commingled arrangement.

RESPONSE: The basis for the non-recurring charges for the stand-alone UCL-ND loop and cross-connect elements is rooted in TELRIC methodology that has been reviewed and approved by the Kentucky Public Service Commission, and those approved rates are set forth in the Parties' interconnection agreement. The stand-alone port non-recurring charge is market-based and is set forth in the Parties' commercial agreement. The non-recurring rates for these stand-alone network elements are not new or unknown. SouthEast Telephone is requesting the financial benefit for the monthly recurring charges for this arrangement, but all the charges associated with the elements comprising the arrangement – both recurring and non-recurring – must be utilized when determining the price of the arrangement.

Specifically, the \$79.92 non-recurring charge consists of the installation charges associated with the stand-alone port (\$34.95 first) and the stand-alone unbundled copper loop – nondesigned (UCL-ND) (\$44.97 first). The cross-connect component was inadvertently omitted from AT&T Kentucky's response to SouthEast Telephone's First Set of Data Requests No. 3, but was included in AT&T Kentucky's response to the Commission Staff's Second Set of Data Requests No. 1. The cross-connect necessary to connect these two elements has a non-recurring charge of \$24.68 first and \$23.68 additional.

REQUEST: When AT&T converts a resale line to the WLP arrangement under its "commercial agreement," thereby switching the line from resale to a Section 271 network element arrangement, what is the actual cost basis for the conversion charge?

RESPONSE: Objection. The information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence

REQUEST: SouthEast's First Set of Data Requests contained several questions concerning difficulties SouthEast has encountered in attempting to order commingled elements from AT&T and being told, with little or no explanation, that certain lines do not "qualify" to be provisioned as copper loops non-designed. Request No.9, for example, seeks information concerning whether, when AT&T has refused an order because the loop in question is a "hybrid," a copper non-design loop is available to replace it. Request No. 10 asks how SouthEast can avoid delays in the ordering process by ascertaining in advance whether a loop is a "hybrid." Item No. 11 asks how SouthEast can avoid delays by learning in advance whether a central office in SouthEast's markets has exhausted its copper loops. Item 12 asks whether loops can be rearranged to accommodate a SouthEast order for a copper loop, non-designed. Item 13 seeks additional information as to copper non-designed loop exhaustion. Item 14 asks why AT&T will not provide SouthEast access to the necessary data to order efficiently. As the central issue in this case is whether AT&T has unreasonably delayed in providing SouthEast with *at least* the financial benefit of commingled arrangements, and as each and every one of these questions explores ordering issues that have contributed (and will no doubt continue to contribute) to that delay, explain why AT&T objected to these questions on grounds of "relevance," claiming that answers to the questions could not "reasonably" lead to "admissible" evidence.

RESPONSE: Objection. The information requested is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence. These requests are an attempt by SouthEast Telephone to incorporate into this proceeding the very issue that this Commission ruled in its Order dated June 11, 2009, would not be included.