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September 25, 2008

RECEIVED

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**PUBLIC SERVICE
COMMISSION**

VIA HAND DELIVERY

Ms. Stephanie Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602

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

Dear Ms. Stumbo:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of the Reply of AT&T Kentucky to SouthEast Telephone's Response to AT&T Kentucky's Answer to SouthEast's Complaint.

Thank you for your attention to this matter.

Sincerely,

Mary K. Keyer
General Counsel/Kentucky

cc: Parties of Record

Enclosures

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

SOUTHEAST TELEPHONE, INC.)
)
 Complainant,)
)
 BELLSOUTH TELECOMMUNICATIONS, INC.)
 d/b/a AT&T KENTUCKY)
)
 Defendant.)
 _____)

CASE NO. 2008-00279

**REPLY OF AT&T KENTUCKY TO SOUTHEAST’S TELEPHONE’S RESPONSE TO
AT&T KENTUCKY’S ANSWER TO SOUTHEAST’S COMPLAINT**

As directed by the Staff of the Kentucky Public Service Commission (“Commission”) during the informal conference held in this matter on September 11, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”) hereby submits its Reply to the Response filed on or about August 12, 2008 by SouthEast Telephone, Inc. (“SouthEast”) to AT&T Kentucky’s Answer.

As noted in AT&T Kentucky’s Answer; as reiterated during the informal conference; and as stated in AT&T Kentucky’s Opposition to CompSouth’s Motion for Intervention; there is no commingling issue or dispute between the parties regarding the scope of AT&T Kentucky’s commingling obligations in connection with the commingling request (or order) submitted by SouthEast in June 2008. Specifically, AT&T Kentucky recognizes that the Commission has ruled in its generic change of law docket (Case No. 2004-00427) that AT&T Kentucky has an obligation to commingle a network element obtained pursuant to Section 251 of the federal Telecommunications Act of 1996 (“the Act”) with wholesale services or facilities, including services or facilities made available

under Section 271 of the Act.¹ This commingling obligation has been incorporated into SouthEast's interconnection agreement. Further, subject to the availability of facilities, there is no dispute that AT&T Kentucky must commingle the loop and port combination that SouthEast ordered on or about June 19, 2008.² Since there is no controversy, the Commission should dismiss the case without prejudice.

The specific ordering information and exhibits that are contained in SouthEast's Response to AT&T Kentucky's Answer were not included in SouthEast's Complaint.³ While AT&T Kentucky acknowledged its commingling obligation in its Answer, given the lack of specifics contained in the Complaint and based on the ordering information that AT&T Kentucky reviewed in responding to the Complaint, AT&T Kentucky further responded in its Answer that it appeared SouthEast had submitted a commingling order that was not technically feasible. In short, in responding to the Complaint, AT&T Kentucky was forced to guess at what SouthEast was trying to accomplish because the Complaint did not identify the specific elements SouthEast sought to commingle.

At this juncture, there is no guesswork. AT&T Kentucky is working on developing a short term solution (or process) to provision the specific type of commingling order that SouthEast has submitted and has indicated it intends to submit in the future. The fact that AT&T Kentucky must develop an ordering and provisioning process for this type of order is not an issue the Commission needs to resolve or address – given the

¹ AT&T Kentucky has appealed the Commission's commingling ruling along with other Commission rulings in Case No. 2004-00427.

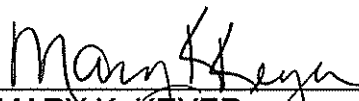
² As discussed during the informal conference, the loop type ordered (unbundled copper loop non-designed) is not ubiquitously deployed throughout AT&T Kentucky's network, and thus may not be available at all locations where SouthEast has an interest in commingling a port with an unbundled copper loop non-designed.

³ It should be noted that an unbundled copper loop non-designed is not available at the location identified in the order SouthEast attached to its Response.

broad range of elements that could be commingled. Indeed, AT&T Kentucky does not develop ordering and provisioning processes for every conceivable commingling request that may be ordered in the future. Nor would it be reasonable or economical for AT&T Kentucky to do so. In fact, SouthEast's commingling request was the first of its kind in AT&T's Southeast region.

Because there is no current dispute regarding the scope of AT&T Kentucky's commingling obligations, there is no commingling question or issue for the Commission to adjudicate. Accordingly, it is respectfully submitted that the Commission should dismiss the complaint without prejudice.

Respectfully submitted,



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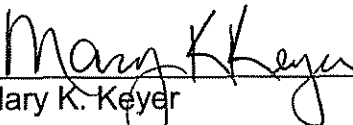
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CERTIFICATE OF SERVICE KPSC 2008-00279

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals via U.S. Mail this 25th day of September 2008.

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