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February 4, 2010

VIA OVERNIGHT MAIL

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

RECEIVED

FEB 05 2010

**PUBLIC SERVICE
COMMISSION**

Re: BellSouth Telecommunications, Inc. d/b/a AT&T SouthEast d/b/a AT&T
Kentucky, Complainant v. Budget Prepay, Inc. d/b/a Budget Phone,
Defendant
PSC 2010-00025

Dear Mr. Derouen:

Enclosed for filing in the above-captioned case are the original and five (5)
copies of AT&T Kentucky's Motion for Consolidation.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


Mary K. Keyer

Enclosures

cc: Party of Record

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)
)
BELLSOUTH TELECOMMUNICATIONS, INC.)
d/b/a AT&T SOUTHEAST)
d/b/a AT&T KENTUCKY)
Complainant)
v.) Case No.: 2010-00023
)
BLC MANAGEMENT LLC d/b/a ANGLES)
COMMUNICATIONS SOLUTIONS)
Defendant)

BELLSOUTH TELECOMMUNICATIONS, INC.)
d/b/a AT&T SOUTHEAST)
d/b/a AT&T KENTUCKY)
Complainant)
v.) Case No.: 2010-00025
)
BUDGET PREPAY, INC.)
d/b/a BUDGET PHONE)
Defendant)

BELLSOUTH TELECOMMUNICATIONS, INC.)
d/b/a AT&T SOUTHEAST)
d/b/a AT&T KENTUCKY)
Complainant)
v.) Case No.: 2010-00026
)
LIFECONNEX TELECOM, LLC)
f/k/a SWIFTEL LLC)
Defendant)

BELLSOUTH TELECOMMUNICATIONS, INC.)
d/b/a AT&T SOUTHEAST)
d/b/a AT&T KENTUCKY)
Complainant)
v.) Case No.: 2010-00029
)
DPI TELECONNECT, LLC)
Defendant)

AT&T KENTUCKY'S MOTION FOR CONSOLIDATION

BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky (“AT&T Kentucky”) respectfully requests that the Public Service Commission of Kentucky (“the Commission”) consolidate these dockets for the limited purposes of expeditiously resolving the two common issues set forth below.¹ At a minimum, this limited consolidation will result in a more manageable set of issues for resolution in each of the four individual dockets, and it may even eliminate the need for further proceedings in the individual dockets.

These four dockets currently address, in the aggregate, more than \$1 million of past-due and unpaid balances, and that amount grows each month. Each month, AT&T Kentucky sends to each of the defendant competitive local exchange carriers in these dockets (collectively, “Defendant CLECs”) bills for services they purchase for resale, and each month the Defendant CLECs refuse to pay a significant portion of those bills.

A substantial amount of the Defendant CLECs’ respective unpaid balances are subject to one or both of the following common issues between the Defendant CLECs and AT&T Kentucky: (1) whether AT&T Kentucky can apply the resale discount approved by this Commission to the cashback component of various promotional offers that AT&T Kentucky makes available for resale; and (2) whether AT&T Kentucky’s customer referral marketing promotions (such as the “word-of-mouth” promotion) are subject to resale.

¹ These common issues, and a summary of AT&T Kentucky’s position on them, are set forth in Section IV of the respective Complaints and Petitions.

The facts associated with these common issues do not vary significantly (if at all) from one docket to the next, and few (if any) of those facts are in dispute. Moreover, the legal issues associated with these common issues are the same from docket to docket. Because the facts and law associated with these common issues are substantially similar across all four of these dockets, AT&T Kentucky respectfully requests that the Commission consolidate these four dockets for the limited purpose of expeditiously resolving these common issues.

The Kentucky Rules of Civil Procedure provide that “[w]hen actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.”² For the reasons set forth herein, the Commission should exercise its discretion to grant AT&T Kentucky’s motion to consolidate.

This limited consolidation will achieve the following benefits:

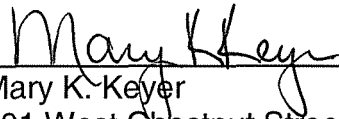
1. the Commission will have the benefit of hearing evidence (if any) and argument from all of the Parties involved before issuing a decision on the merits of the two common issues;
2. addressing the two common issues in a single hearing (rather than in four separate hearings) will conserve the time and resources of the Commission, its Staff, and the Parties;
3. addressing the two common issues in a single hearing (rather than in four separate hearings) will conserve space on the Commission’s already-crowded hearing calendar;
4. an expeditious resolution of the two common issues will break the existing stalemate that results in increasing receivables for AT&T Kentucky and increasing payables for the Defendant CLECs;

² See CR 42.01.

5. an expeditious resolution of the two common issues will provide business certainty for AT&T Kentucky and the Defendant CLECs on a going-forward basis; and
6. if it does not altogether eliminate the need for further proceedings in the individual dockets, this limited consolidation will result in a more focused and manageable set of issues for resolution in the individual dockets.³

For the reasons set forth above, AT&T Kentucky respectfully requests that the Commission consolidate these four dockets for the limited purposes of expeditiously resolving the two common issues set forth above.

Respectfully submitted,



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COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.
d/b/a AT&T SOUTHEAST
d/b/a AT&T KENTUCKY

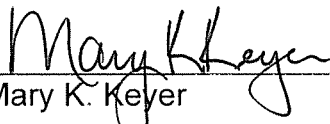
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³ Once the two common issues are resolved, AT&T Kentucky and one or more of the individual Defendant CLECs likely can reach agreement on the amounts associated with those issues. Even if that is not the case, the issues that remain after the two common issues are resolved are likely to be fewer, better-defined, and less overlapping than they would be absent the limited consolidation requested by AT&T Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individual by mailing a copy thereof via U.S. Mail, this 4th day of February 2010.

R. D. Hyde, Jr.
President
Budget Prepay, Inc. d/b/a Budget Phone
1325 Barksdale Blvd., Suite 200
Bossier City, LA 71111



Mary K. Keyer