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May 15, 2020

PUBLIC SERVICE
COMMISSION

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Kent A. Chandler
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RE: Case No. 2019-00047

Dear Mr. Chandler:

The accompanying response to Associates in Dermatology's motion for leave to file a surreply is being transmitted by e-mail in accordance with the Commission's March 16, 2020 order in Case No. 2020-00085. Please file it in Case No. 2019-00047.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


Mark R. Overstreet

MRO

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ASSOCIATES IN DERMATOLOGY, PLLC

COMPLAINANT

V.

BELLSOUTH TELECOMMUNICATIONS, LLC dba
AT&T KENTUCKY

DEFENDANT

CASE NO.
2019-00047

Response Of BellSouth Telecommunications, LLC d/b/a AT&T Kentucky
To Associates In Dermatology, PLLC's Motion For Leave To File Surreply

BellSouth Telecommunications, LLC d/b/a AT&T Kentucky states in response to the May 12, 2020 motion of Associates in Dermatology, PLLC ("AID") for leave to file a surreply:

AID's contention¹ that AT&T Kentucky's reply contravenes the requirements of 807 KAR 5:001, Section 5(3) ignores the words and substance of AT&T Kentucky's reply and AID's own motion. The regulation places two limitations on replies: (a) the reply "must be confined to points raised in the responses to which they are addressed;" and (b) "shall not reiterate an argument already presented." AT&T Kentucky's reply complies with both limitations.

AID's response to which AT&T Kentucky's reply was directed was premised largely on AID's contention that the 1981 Kentucky Court of Appeals decision in *Board of Education v.*

¹ Associates in Dermatology, PLLC's Motion For Leave To File Surreply, *In the Matter of: Associates In Dermatology, PLLC v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky*, Case No. 2019-00047 at ¶ 6 (Ky. P.S.C. Filed May 12, 2020) ("AID's Motion").

*William Dohrman, Inc.*² was controlling.³ AT&T Kentucky's reply was limited to demonstrating that "AID misreads *William Dohrman, Inc.* and ignores subsequent statutory and judicial developments."⁴ AT&T Kentucky properly limited its reply to the very issue raised by AID in its response.

AID also argues that AT&T Kentucky's reply "ventur[ed] into novel points of law."⁵ But that is exactly what is required by the regulation's injunction against "reiterat[ing] an argument already presented."⁶

In fact, AID's motion and surreply are a thinly disguised effort to obtain the last word with respect AT&T Kentucky's motion. It is an effort that is contrary to the Commission's rules of procedure.

Wherefore, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky respectfully requests that Associates In Dermatology, PLLC's motion for leave to file a reply be denied and that the tendered surreply not be accepted for filing.

² 620 S.W.2d 328 (Ky. App. 1981).

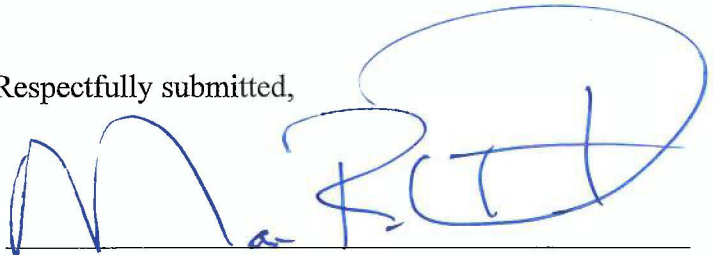
³ See Associates in Dermatology, PLLC's Response, *In the Matter of: Associates In Dermatology, PLLC v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky*, Case No. 2019-00047 at ¶ 6 (Ky. P.S.C. Filed May 1, 2020).

⁴ BellSouth Telecommunications, LLC d/b/a AT&T Kentucky's Reply, *In the Matter of: Associates In Dermatology, PLLC v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky*, Case No. 2019-00047 at 1 (Ky. P.S.C. Filed May 6, 2020).

⁵ AID's Motion at 1-2.

⁶ 807 KAR 5:001, Section 5(3).

Respectfully submitted,



Dated: May 15, 2020

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Certificate of Service

I certify that a true copy of the foregoing was served by first class mail, postage prepaid, and by e-mail transmission on the following this 15th day of May 2020:

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