

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                    |   |            |
|------------------------------------|---|------------|
| NOTICE OF BELLSOUTH                | ) |            |
| TELECOMMUNICATIONS, INC. TO        | ) | CASE NO.   |
| DISCONNECT VICTORY COMMUNICATIONS, | ) | 2004-00448 |
| INC. FOR NON-PAYMENT               | ) |            |

O R D E R

On November 15, 2004, BellSouth Telecommunications, Inc. ("BellSouth") provided written notice to the Commission of its intent to disconnect Victory Communications, Inc. ("Victory") for nonpayment of bills. BellSouth asserts the unpaid amount is \$31,728.87, of which \$142.24 is for services provided in Kentucky. BellSouth plans to discontinue services to Victory if payments are not received. Disconnection of Victory services will impact approximately 13 Kentucky customers.

BellSouth requests authorization to invoke the Emergency Service Continuity Tariff approved by this Commission on May 20, 2003 in Case No. 2002-00310.<sup>1</sup> Invoking this tariff is necessary only if Victory has not notified its end-users of the service disconnection. If the Emergency Service Continuity Tariff is invoked, BellSouth will continue to provide telephone service to Victory's customers for a minimum of 14 days after Victory ceases to operate.

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<sup>1</sup> Case No. 2003-00310, Customer Billing and Notice Requirements for Wireline Telecommunications Carriers Providing Service in Kentucky.

The Commission, having reviewed BellSouth's notice and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Victory shall notify the Commission within 7 calendar days of the date of this Order of its intent to pay the delinquent bill to BellSouth within 10 days of the date of this Order or, in the alternative, of its intent to notify its end-users of the proposed service disconnection. Such written comments shall include a copy of Victory's customer notice and an affidavit indicating when the notice was mailed and the number of Kentucky customers to whom it was mailed.

2. A copy of BellSouth's notice of intent to disconnect Victory is attached hereto and incorporated herein.

3. If Victory has not responded as prescribed in Ordering Paragraph 1 within 7 calendar days of the date of this Order, BellSouth shall implement the procedures established in its Emergency Service Continuity Tariff.

4. A copy of this Order shall be sent by certified mail to Victory.

Done at Frankfort, Kentucky, this 24<sup>th</sup> day of November, 2004.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

Executive Director

Case No. 2004-00448



BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 410  
Louisville, KY 40203

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Joan A. Coleman  
Vice President  
Regulatory & External Affairs

502-582-2167  
Fax 502-582-2140

November 10, 2004

Ms. Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, Kentucky 40602-0615

**RECEIVED**

**NOV 15 2004**

**PUBLIC SERVICE  
COMMISSION**

Case 2004-00448

Dear Ms. O'Donnell:

Pursuant to the Kentucky PSC's May 20, 2003 order in KY PSC Case No. 2002-0310, BellSouth is providing advance notice to the Kentucky Public Service Commission (PSC) of BellSouth's intent to disconnect Victory Communications, Inc. ("Victory") for non-payment.


BellSouth's records indicate that Victory is delinquent in payment of its bills to BellSouth in the amount of \$31,728.87. Of this amount, \$142.24 is overdue for services provided in Kentucky to Victory. Attempts to collect past due amounts from Victory have been unsuccessful. BellSouth made numerous written notifications to Victory informing them of BellSouth's intent to suspend or terminate services consistent with the terms and conditions of the Resale Agreement between Victory and BellSouth. Attached is BellSouth's last written notice to Victory. On or about November 18, 2004, BellSouth will begin to discontinue services provided to Victory if payments are not received by November 17, 2004. Disconnection of Victory services will affect approximately 13 of its Kentucky customers.

Under terms of their Resale Agreement, Victory is solely responsible for notifying its end users of the proposed service disconnection. BellSouth is copying Victory to remind them of their obligation to notify their end users of this situation regarding pending disconnection of services.

Should the Commission determine the need to invoke BellSouth's Emergency Service Continuity Tariff, BellSouth will take steps to notify the affected end users and inform them that they may continue to receive telecommunications services through The Emergency Services Continuity Plan for a minimum of fourteen (14) days and that the end user must transition to a new service provider.

Should you or the staff have any questions concerning this filing or need additional information, Mike Hayden, of my staff, is familiar with this matter and can be reached on (502) 582-8180.

Very truly yours,



Joan A. Coleman

cc: Victory Communications, Inc.  
Attn: Mr. Jack N. Beasley

Attachment

ATTACHMENT

October 5, 2004

Victory Communications, Inc.  
Attention: Mr. Jack N. Beasley  
681 Downsville Road  
Downsville, Louisiana 71234

PLEASE REMIT PAYMENT TO:  
BellSouth  
Attention: PRO-CABS  
250 Williams Street NW  
Suite 5020 NW  
Atlanta, Georgia 30303

Dear Mr. Beasley:

Attempts to collect past due amounts from Victory Communications have been unsuccessful and to date full payment has not been received. All accounts are currently in default in the amount of \$31,728.87 and subject to disconnection. A breakdown of these accounts is \$16,224.60 in Alabama, \$142.24 in Kentucky, and \$15,362.03 in Mississippi. Pursuant to the Resale Agreement between BellSouth Telecommunications, Inc. and Victory Communications, Inc. consider this letter written notice that BellSouth will proceed with the discontinuance of existing services in Alabama, Kentucky and Mississippi on October 12, 2004. Pursuant to the Agreement, it is Victory Communications' responsibility to notify its end users of this impending disconnection. In addition, if any of Victory Communications' end users have a Local Service Freeze this freeze will be removed at the time of discontinuance to give the end user the ability to choose a new local provider.

In order to continue services, Victory Communications must pay, in immediately available funds, the present undisputed balance in the sum of \$31,728.87 to BellSouth. In order to prevent disconnection of services in Alabama, Victory Communications must pay \$16,224.60. In order to prevent disconnection of services in Kentucky, Victory Communications must pay \$142.24. In order to prevent disconnection of services in Mississippi, Victory Communications must pay \$15,362.03. Also, payments are expected for any current charges that may become due before October 12, 2004. If service is interrupted, full non-recurring charges will be applicable to reestablish service. In addition, if there is an outstanding request for new or additional security, that request will need to be addressed before service is re-established.

If you have questions regarding your account, please contact your Collections Service Representative, Dinetta Lykes, at (205) 714-5850, Extension 6-7491.

Sincerely,