

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS)	
COMMISSION'S TRIENNIAL REVIEW ORDER)	CASE NO.
REGARDING UNBUNDLING REQUIREMENTS)	2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS)	

**MOTION TO COMPEL BELLSOUTH
TO PROVIDE CONFIDENTIAL RESPONSE TO COMPSOUTH**

The Competitive Carriers of the South, Inc. ("CompSouth"), by undersigned counsel, requests that the Kentucky Public Service Commission ("Commission") enter an Order requiring BellSouth Telecommunications, Inc. ("BellSouth") to provide to CompSouth the Attachment to BellSouth's response to Item 26 of BellSouth's Supplemental Responses to CompSouth's Second Set of Data Requests to BellSouth.

In support thereof, CompSouth states as follows:

1. On March 19, 2004, BellSouth filed Supplemental Responses to CompSouth's Second Set of Data Requests. BellSouth's transmittal letter to the Commission stated that confidential information responsive to the requests was being provided to the Commission and, pursuant to the Regional Protective Agreement, to CompSouth. Although BellSouth made an electronic filing on March 19, it did not mail exhibits until March 22. Only after March 23 was it apparent that BellSouth had not sent the confidential material to CompSouth.

2. On March 22, 2004, BellSouth filed a letter stating that an Attachment to Item 26 of the Supplemental Response contained CPNI. BellSouth's letter makes clear that BellSouth will provide the Attachment to CompSouth pursuant to the existing confidentiality agreement if

ordered to by the Commission. BellSouth also acknowledges that the Commission has previously issued an order requiring BellSouth to furnish similar information to AT&T.

3. Based on review of BellSouth's March 22 letter, CompSouth believes that BellSouth will not object to an Order requiring disclosure to CompSouth, and will promptly provide the Attachment to Supplemental Response 26 as soon as an Order is issued.

THEREFORE, based on the foregoing, CompSouth respectfully requests that:

(a) The Commission enter the proposed Order attached hereto as Exhibit A, directing that BellSouth provide the information requested by CompSouth; and

(b) The Commission order BellSouth to make its best efforts to provide this information within 3 days of its Order, subject to the full protections of the Confidentiality Agreement executed between CompSouth and BellSouth.

Respectfully submitted, this 26th day of March, 2004.

/s/

C. Kent Hatfield
Douglas F. Brent
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CERTIFICATE OF SERVICE

I hereby certify that the electronic version of this filing made with the Commission this 26th day of March is a true and accurate copy of the documents attached hereto in paper form. This version was transmitted to the Commission for forwarding to those persons receiving electronic notices from the Commission in this case. A copy of the filing was also served by electronic mail and U.S. mail to BellSouth Telecommunications, Inc. and by mail to those persons whose postal addresses appear on the service list below.

/s/
Douglas F. Brent

Kentucky Cable Telecommunications
Association
P.O. Box 415
Burkesville, KY 42717

EXHIBIT A
PROPOSED ORDER GRANTING COMPSOUTH'S MOTION TO REQUIRE
BELLSOUTH TO RESPOND TO DISCOVERY

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O R D E R

On March 26, 2004, Competitive Carriers of the South, Inc. ("CompSouth") filed a motion to compel BellSouth Telecommunications, Inc. ("BellSouth") to disclose specified information contained in BellSouth's business records concerning competitive local exchange carriers identified as self-providers of UNE transport, UNE dark fiber, or special access for certain transport routes. Specifically, the motion refers to the Attachment to BellSouth's Supplemental Response to Item 26 of CompSouth's Second Set of Data Requests to BellSouth. This Attachment has been filed with the Commission.

The information requested by CompSouth is relevant to this proceeding and, accordingly, should be provided by BellSouth to CompSouth. The parties hereto have entered into a confidentiality agreement, and the requested information should be made available pursuant to such protective agreement within 3 business days from the date of this Order.

IT IS THEREFORE ORDERED that BellSouth shall respond to CompSouth's request referenced herein within 3 business days of the date of this Order.

Done at Frankfort, Kentucky, this ___ day of March, 2004.

By the Commission