

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**PETITION OF BELL SOUTH TELECOMMUNICATIONS,) CASE NO.
INC. FOR THE ESTABLISHMENT OF A NEW) 2004-00391
PERFORMANCE PLAN**

COMMENTS OF SOUTHEAST TELEPHONE, INC.

Comes now SouthEast Telephone, Inc. ("SouthEast"), by and through counsel, and pursuant to the procedural schedule established herein, submits comments on the Petition filed by BellSouth Telecommunications, Inc. ("BellSouth") filed herein.

I. The Commission Should Hold BellSouth's Petition in Abeyance Pending the Outcome of Similar Dockets in Georgia and Florida.

On or about August 31, 2004, BellSouth petitioned this Commission for the establishment of a new performance plan (SQM/SEEM). SouthEast objects to the establishment of a new performance plan until such time as the pending administrative cases involving BellSouth's performance plan in other states are complete.

According to information disclosed by BellSouth at the informal conference in this matter, there are now, or will be soon, pending administrative cases in both Florida and Georgia regarding BellSouth's performance plans in those states. This Commission originally adopted the Georgia performance plan in Case Number 2001-00105. It stands to reason that this Commission would be well-served by holding BellSouth's Kentucky petition in abeyance until such time as the Georgia Public Service Commission has the opportunity to open and develop a docket exploring the Petition BellSouth claims it is planning to file there.

At the very least, this Commission should wait until the Florida Public Service Commission has fully developed its docket concerning the very same subject matter. Once that docket has been fully litigated among adverse parties, the resulting information should be useful to this Commission in reaching a decision on what modification, if any, to make to BellSouth's current obligations.

SouthEast urges this Commission to maintain the status quo in Kentucky under the current performance plan until such time as those dockets have been fully developed. Compared with Kentucky, competition in both Florida and Georgia is by far more robust in terms of numbers of CLECs competing with BellSouth. This fact alone should ensure a more comprehensive development of the type of evidence this Commission should analyze when considering BellSouth's petition. Maintaining the status quo during the interim will not result in any harm to BellSouth or the CLECs involved.

II. SouthEast Objects to BellSouth's Proposed Modification of the Performance Plan.

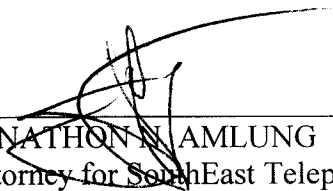
As BellSouth wrote in its Kentucky Petition, the present performance assessment plan ("Current Plan"), was originally adopted to ensure BellSouth continued to provide nondiscriminatory unbundled access, interconnection and resale to competitive local exchange carriers ("CLECs"). BellSouth further states that in the first six months of 2002 its overall performance was at 88%. For the period between September 2003 and April 2004, BellSouth states that its overall performance rose to approximately 89%, a 1% difference. Aside from the fact that these measurements may be difficult to compare given the unusual time periods chosen by BellSouth for its examples, 1% is hardly a monumental increase by any standard.

Despite what appears to be stagnant performance over the past three years, BellSouth seeks to reduce the SEEM penalty in addition to lowering the benchmark for enforcement mechanisms. SouthEast would not object to any plan that would result in the elimination of duplicative and/or useless measurements, but BellSouth's proposal appears to go far beyond that end.

CONCLUSION

As with other CLECs in Kentucky, SouthEast's resources are limited. Development of the facts and opinions necessary for this Commission to reach a decision will require the type of robust dialogue one might expect from the dockets in Georgia and Florida. This Commission should hold this case in abeyance until such time as those dockets have been developed to ensure it reaches a fair and balanced decision.


Respectfully submitted,



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CERTIFICATION

I hereby certify that a true and correct copy of the foregoing was mailed, this the

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