

DOUGLAS F. BRENT
502-568-5734
Brent@skp.com

December 3, 2004

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

Re: Case No. 2004-00391 – Petition of BellSouth for Establishment of a New Performance Plan

Dear Ms. O'Donnell:

This letter is written on behalf of The Competitive Carriers of the South., Inc. ("CompSouth") in response to the Petition of BellSouth Telecommunications, Inc. for the Establishment of a New Performance Plan in the above-captioned case. BellSouth's proposed plan consists of the Service Quality Measurement (SQM) and Self-Effectuating Enforcement Mechanisms (SEEM) plans.

By Order issued November 10, this Commission scheduled an informal conference for December 14 for parties to make presentations regarding BellSouth's proposed SQM and SEEM plans, and scheduled January 14 as the date by which parties are required to submit a detailed recommendation regarding third-party testing of SQMs ultimately established by the Commission. BellSouth has filed a request to change the date for the informal conference. CompSouth does not object to a change in the date for the informal conference. One date suggested by BellSouth is December 21. Undersigned counsel for CompSouth will be out of state on December 21 and would be unable to attend. Therefore, to the extent that the Commission grants BellSouth's request, CompSouth believes the informal conference should be held at the later date referenced by BellSouth. However, CompSouth believes a general deferral of BellSouth's request would serve the interests of the Commission and all parties. Accordingly, CompSouth offers an additional recommendation on scheduling the informal conference.

The Commission has frequently been informed by the decisions of other state commissions considering the same issues raised in Kentucky. Regarding local competition issues, the Commission previously found good cause to consider and ultimately adopt a

performance measures plan for BellSouth that had been reviewed and approved by another state commission. On October 19, 2001, in Case No. 2001-00105, the Commission put in place the performance measures, benchmarks and retail analogs, and the penalty plan adopted by the Georgia Public Service Commission. Importantly, the Commission determined that a full-blown metrics review was not a viable option in Kentucky. *See* Order in Case No. 2001-00105, dated April 26, 2002, at 7-8. And while the PSC has not precluded BellSouth from proposing a Kentucky-specific performance plan, the Commission has made clear that review of such a plan will probably take many months. *See* Order in Case No. 2001-00105, dated June 14, 2004, at 2. CompSouth agrees, and suggests the public interest would best be served by again monitoring and benefiting from activity in a parallel proceeding.

Currently, the Florida Public Service Commission is undertaking an extensive review of BellSouth's proposed measures and penalties plan in Docket 000121A. CompSouth suggests that the Commission postpone its review of BellSouth's new SQM and SEEM plan until Florida has completed its review, which literally involves hundreds of issues. Because of the limited resources available to the CompSouth CLECs to participate in such vast evaluations of BellSouth's new plans concurrently in multiple states, a deferral would be in the best interest of conserving limited resources available to CLECs and would alleviate this Commission from unnecessarily duplicating work that is currently being conducted in other states. Further, the Commission would benefit from the experience gained in monitoring the Florida proceeding.

Accordingly, CompSouth respectfully requests that the Commission hold an informal conference after the FPSC issues its final order so that staff and the parties can discuss the most appropriate and efficient way to structure the Kentucky proceeding.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Douglas F. Brent". The signature is stylized and written in a cursive-like font.

Douglas F. Brent

cc: PSC Service List in 2004-00391