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December 19, 2005

Ms. Beth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd., P.O. Box 615  
Frankfurt, KY 40602

**RE: Case No. 2004-00427 – Petition to Establish Generic Docket To  
Consider Amendments to Interconnection Agreements Resulting  
From Changes of Law**

Dear Ms. O'Donnell:

On behalf of SouthEast Telephone, Inc. ("SouthEast"), I am writing in response to the December 8, 2005 letter from Dorothy Chambers on behalf of BellSouth Telecommunications, Inc. ("BellSouth"), filed in this proceeding. The Commission should reject BellSouth's unjustified attempt to preclude consideration of SouthEast's argument concerning the appropriate rates for the switching and local transport elements that BellSouth is required to provide pursuant to Section 271. *See* SouthEast Post-Hearing Brief at 11-13 (filed Nov. 22, 2005). Instead, the Commission should disregard BellSouth's letter and/or strike it from the record.

First, BellSouth's own prior correspondence in this proceeding flatly contradicts its contention in the Dec. 8, 2005 letter that the rates for elements required under Section 271 are not properly before the Commission. The issues matrix *agreed to by BellSouth* and other parties includes the question of the specific "language, if any, [that] should be included in the ICA with regard to the rates for such elements." Issues Matrix, Issue No. 8(c), attached to Letter from Dorothy Chambers, BellSouth (filed June 30, 2005). It is beyond question that this issue is properly before the Commission in this proceeding.

To be sure, BellSouth takes the position that the Commission lacks jurisdiction over this issue – but BellSouth's jurisdictional argument is simply wrong, as the Commission has already concluded. *See Joint Petition for Arbitration of NewSouth Communications Corp., et al., of an Interconnection Agreement with BellSouth Telecommunications, Inc., Case*

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No. 2004-00044, Order at 10 (Sept. 26, 2005). SouthEast and other parties have shown that the Commission's conclusion is correct. *See, e.g.*, SouthEast Post-Hearing Brief at 3-11.

Second, SouthEast has provided ample support for the proposed rates discussed in its Nov. 22, 2005 brief, notwithstanding BellSouth's contention to the contrary. SouthEast's brief included citations to a number of documents that provide the requisite factual support for each of the legal arguments in the brief. *See* SouthEast Post-Hearing Brief at 11-13, footnotes 24, 25, 26, 27, 28, and 29. To be sure, some of these materials may not yet have been formally entered into evidence in this proceeding, but all of them are publicly available documents, and the Commission is fully empowered to take notice of them.

Finally, it is BellSouth's letter that presents an "improper argument," not SouthEast's brief. BellSouth is flouting the briefing schedule established by the Commission in this proceeding, in which all parties were directed to file a single Post-Hearing Brief. *Petition to Establish Generic Docket To Consider Amendments to Interconnection Agreements Resulting From Changes of Law*, Case No. 2004-00427, Order, Aug. (Ky. PSC, Aug. 10, 2005); Order (Ky. PSC, Nov. 10, 2005). BellSouth's December 8, 2005 letter is an improper attempt to take another "bite at the apple" and obtain an unfair advantage over other parties. The Commission should not tolerate BellSouth's blatant disregard for its established procedures, and should strike BellSouth's letter from the record and/or disregard the arguments in that letter.

Respectfully submitted,



David L. Sieradzki  
Counsel for SouthEast Telephone, Inc.

**CERTIFICATION**

I hereby certify that the electronic version of this filing transmitted to the Commission via the Electronic Filing Center this 19th day of December, 2005, is a true and accurate copy of the document filed in paper form on December 19, 2005. The electronic version of the filing has been served by e-mail on all parties of record in this proceeding.

/s/ \_\_\_\_\_  
Jonathan N. Amlung (KBA #86892)  
Counsel for SouthEast Telephone, Inc.