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Commonwealth of Kentucky
Before the Public Service Commission

APR 07 2006

PUBLIC SERVICE
COMMISSION

JOINT APPLICATION FOR APPROVAL)	
OF THE INDIRECT TRANSFER OF)	
CONTROL RELATING TO THE)	CASE NO. 2006-00136
MERGER OF AT&T, INC. AND)	
BELLSOUTH CORPORATION)	

ATTORNEY GENERAL'S REPLY TO APPLICANTS'
RESPONSE TO THE MOTION OF ATTORNEY GENERAL
TO DEEM FILING DEFICIENT OR TO SET AN INFORMAL CONFERENCE

The Applicants' interpret the regulations governing filings before the Commission as requiring that a hard copy of any pleadings be filed with the Commission, and then any such pleading be forwarded to other parties in a manner or medium of the applicants' own choice. Taken to the extreme, it would suffice that the pleading could be inscribed on the head of a pin and then left to the recipient to decipher. Clearly, 807 KAR 5:001 Section 3(3) contemplates that the pleading that is filed in paper form with the Commission must be made in paper form to other parties as well. Moreover, 807 KAR 5:001 Section 8(2) clearly indicates that "where parties interested in the application are named therein, there shall be filed an additional copy for each." 807 KAR 5:001 Section 8(1) requires the petition to be in writing. Hence, the copy must be contemplated as a hard copy. Indeed, there is nothing in the regulations which even speak, directly

or indirectly of electronic filings.¹ Thus, the failure to provide the Attorney General with a hard copy renders the filing deficient and it must be dismissed.

While the Attorney General is appreciative of the fact that the information was forwarded by way of a CD, it nonetheless created prejudice in that one half of a day was wasted in printing the document. Two multi-billion dollar corporations thus forced the Attorney General to incur costs for labor and materials in this exercise for Kentucky taxpayers. Whatsmore, two of the files on the CD applicants provided were not even accessible. Therefore, the filing which the Attorney General received was deficient on its face -- by definition -- even assuming the Commission should decide that an electronic copy is acceptable. The Attorney General should not be forced to hurdle such significant obstacles, or to incur monetary costs, simply to represent the interests of Kentucky ratepayers. The Attorney General also believes other parties seeking intervention should not be charged what is in essence an access fee to participate in the regulatory process.

The Applicants seem to infer that the Attorney General's agreement to participate in the telephonic informal conference on 7 April 2006 is a concession by the Attorney General that the application should not be dismissed. This is incorrect. The Attorney General asked, and still asks, that the application be dismissed. In the event it was not, he asked that the informal conference be

¹ There have been cases where parties to the proceedings have agreed to electronic filings. However, this to date has been done by agreement of the parties. In the cases in which the Attorney General has actively participated, he has done so whereby hard copies have likewise been filed. It must be emphasized that currently there are no regulations which address electronic filings.

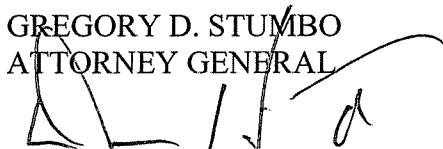
scheduled in order to proceed expeditiously with the case. As a result, he has agreed to the informal conference but does not concede that the application is deficient. In other words, the informal conference could lead to an agreement on a procedural schedule with a general timeline only, without specific dates.

Furthermore, the Attorney General unequivocally reiterates that a 60 day timeframe is unacceptable. If such a schedule is ordered, the Attorney General will be deprived of a meaningful hearing in a matter of significant consequence for millions of people.

WHEREFORE, the Attorney General requests the Commission to dismiss the application based on filing deficiencies. In addition, if, or when, a complete filing occurs, the procedural schedule established must be based on a 120 day timeframe in order to afford the Attorney General meaningful participation in the proceeding.

Respectfully submitted,

GREGORY D. STUMBO
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of this ATTORNEY GENERAL'S REPLY TO APPLICANTS' RESPONSE TO THE MOTION OF ATTORNEY GENERAL TO DEEM FILING DEFICIENT OR TO SET AN INFORMAL CONFERENCE were served and filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid, to:

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This 7th day of April, 2006.


LAWRENCE W. COOK
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