



AT&T Kentucky  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

T: 502.582.8219  
F: 502.582.1573  
mary.keyer@att.com

**RECEIVED**

March 26, 2009

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**VIA OVERNIGHT MAIL**

**PUBLIC SERVICE  
COMMISSION**

Mr. Jeff Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Re: SouthEast Telephone, Inc., Complainant v. BellSouth  
Telecommunications, Inc. d/b/a AT&T Kentucky, Defendant  
KSPC 2008-00279

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of Response of AT&T Kentucky to SouthEast Telephone's Motion to Incorporate Additional Compliance Issues.

Sincerely,

Mary K. Keyer  
General Counsel/Kentucky

cc: Parties of Record

Enclosures

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**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

SOUTHEAST TELEPHONE, INC.	)	
	)	
Complainant,	)	
	)	
	)	CASE NO. 2008-00279
BELLSOUTH TELECOMMUNICATIONS, INC.	)	
d/b/a AT&T KENTUCKY	)	
	)	
Defendant.	)	
	)	

**RESPONSE OF AT&T KENTUCKY TO SOUTHEAST’S TELEPHONE’S  
MOTION TO INCORPORATE ADDITIONAL COMPLIANCE ISSUES**

BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky (“AT&T Kentucky”), by counsel, responds to the Motion to Incorporate Additional Compliance Issues filed by SouthEast Telephone, Inc. (“SouthEast”) in this case on March 3, 2009.

The Commission’s order dated February 26, 2009, sets forth the issue to be decided in this case – “whether AT&T Kentucky acted unreasonably in waiting until December 1, 2008, to facilitate the commingled element orders and, if so, the refunds or credit amounts that are due to SouthEast for AT&T Kentucky’s failure to facilitate those orders prior to that date.” To the extent the issues SouthEast raises in its motion are new issues that are not currently included in this proceeding, the motion should be denied.

SouthEast identifies three “points of contention” that it claims come within the context of the Complaint and asks the Commission to incorporate them into this proceeding. First, SouthEast states its disagreement over installation charges being applied to orders to provision existing lines on a commingled arrangement rather than on its existing wholesale local platform (“WLP”)

arrangement. This issue has been identified in SouthEast Telephone's response (dated December 29, 2008) to the Commission's Request for Information No. 3, and appears to already be included in this proceeding.

Second, SouthEast raises issues regarding lines it claims AT&T is refusing to provision utilizing a commingled arrangement because they are served via a remote terminal. This request involves a subloop distribution (USOC UCS2X) commingled with a commercial port and is different than the request at issue in this proceeding - an unbundled copper loop – non-designed (UCL-ND) (USOC UEQ2X) commingled with a commercial port. It appears that SouthEast, in raising the remote terminal issue now, is resurrecting the subloop distribution commingling issue that AT&T addressed in its answer to the complaint. As the Commission may recall, this arrangement – subloop distribution commingled with a commercial port – is what SouthEast requested in its original local service request (see Exhibit 1 to SouthEast's response to AT&T Kentucky's answer to the complaint, at 2, 7) and what AT&T understood SouthEast was ordering initially. After AT&T Kentucky answered SouthEast's complaint, SouthEast denied that it was trying to make such a request and thus abandoned that issue in the context of this complaint. Regardless, the Parties are currently engaged in ongoing discussions regarding SouthEast's remote terminal request and should be allowed the opportunity to complete those discussions.

As the Commission can appreciate, there are numerous potential commingling combinations that SouthEast and others could request from AT&T that will require time and discussion between the parties to determine exactly

what the request is, whether the arrangement is technically feasible, and, if so, what process needs to be put in place to provide for the ordering and provisioning of the combination requested. AT&T cannot predict which ones, if any, of these combinations will be requested and cannot develop processes for orders that may never be placed. To date, SouthEast is the only CLEC that has ordered or requested to order any commingled arrangement that AT&T has not already developed. In fact, the arrangement at issue in this proceeding (UCL-ND with a switch port) is a combination that was never requested by any CLEC, including SouthEast, when switching was available as a § 251 element.

To date, AT&T has spent countless hours discussing and working out a process with SouthEast for its request for a UCL-ND commingled with a commercial port for new lines and for its existing base. These discussions began on or about June 16 and 19, 2008, when SouthEast placed its first commingling order. A part of these discussions was getting clarification as to what SouthEast was requesting because the orders provided by SouthEast indicated SouthEast was requesting a subloop distribution (USOC UCS2X) commingled with a switch port, not a UCL-ND (USOC UQE2X) commingled with a commercial port. See Exhibit 1 to SouthEast's response to AT&T Kentucky's answer to the complaint, at 2, 7. In *less than one month* after it submitted its first order and *in less than one week* after it was clarified that SouthEast wanted to order a UCL-ND commingled with a commercial port, SouthEast filed its complaint.

SouthEast's latest request for commingling involving remote terminals, as addressed in its motion to incorporate, is yet another commingling combination that no one else has requested. SouthEast, as indicated in its motion, has

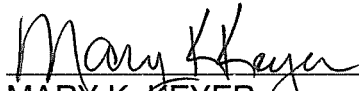
requested a meeting with AT&T personnel and hopes to resolve this issue between the parties. AT&T has accommodated SouthEast's request and is currently engaged in frequent meetings and discussions with SouthEast regarding this issue. AT&T Kentucky believes it more appropriate at this time to allow the Parties an opportunity to continue their dialogue regarding this new commingling arrangement that SouthEast is requesting before the Commission gets involved. Based on the foregoing, SouthEast's motion to incorporate the remote terminal issue into this proceeding should be denied as being both premature and outside the scope of the current proceeding.

Third, SouthEast alleges that AT&T is imposing limitations or "qualifiers" on SouthEast's ability to order a UCL-ND commingled with a commercial port regarding lines served through a pair gain or that have load coils. Again, as stated by SouthEast in its motion, SouthEast requested a meeting with AT&T personnel to discuss these issues. AT&T has accommodated that request and has continued to engage in discussions with SouthEast regarding these issues. The Commission should let the Parties work to resolve them and should not grant SouthEast's motion to incorporate these issues into the existing proceeding.

In conclusion, to the extent the "points of contention" are already included in the context of this proceeding (*i.e.*, the installation charges), no additional incorporation is necessary. To the extent the "points of contention" are not included in the context of this proceeding and the Parties are engaged in discussions to try to resolve them (*i.e.*, remote terminal and pair gain/load coil issues), they should not be incorporated, and the Parties should be instructed to

continue to work together to try to resolve the issues before involving the time and resources of the Commission.

Respectfully submitted,



MARY K. KEYER  
601 W. Chestnut Street, Room 407  
Louisville, KY 40203  
(502) 582-8219

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC. D/B/A  
AT&T KENTUCKY

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**CERTIFICATE OF SERVICE – PSC 2008-00279**

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 26th day of March, 2009.

Deborah T. Eversole  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
[Deborah.eversole@skofirm.com](mailto:Deborah.eversole@skofirm.com)

Douglas F. Brent  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
[Douglas.brent@skofirm.com](mailto:Douglas.brent@skofirm.com)

Bethany Bowersock  
SouthEast Telephone, Inc.  
106 Power Drive  
P.O. Box 1001  
Pikeville, KY 41502-1001  
[Beth.bowersock@setel.com](mailto:Beth.bowersock@setel.com)

  
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Mary K. Keyer