

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTHEAST TELEPHONE, INC.)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2008-00279
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY)	
)	
DEFENDANT)	

O R D E R

On September 15, 2009, the defendant, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky"), moved for leave to submit a response to the post-hearing reply brief of the plaintiff, SouthEast Telephone, Inc. ("SouthEast"). AT&T Kentucky attached its response to the motion. AT&T Kentucky states that, in SouthEast's August 28, 2009 brief, the company referenced a complaint filed with the Federal Communications Commission by Saturn Telecommunication Services, Inc. ("Saturn") against BellSouth Telecommunications, Inc. d/b/a AT&T Florida. AT&T Kentucky argues that SouthEast has selectively referenced portions of the Saturn complaint to support SouthEast's arguments regarding AT&T Kentucky's obligations to allow the ordering of the specific loop/port combination that is at issue in this proceeding before the Kentucky Commission. AT&T Kentucky alleges in its September 15 motion

that the allegations outlined within the Saturn complaint are hearsay and inadmissible and do not prove the arguments asserted by SouthEast.

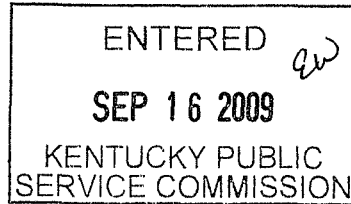
Having reviewed the pleading and the arguments contained therein, the Commission finds that AT&T Kentucky's motion for leave to submit a response to SouthEast's post-hearing brief should be granted. As to AT&T Kentucky's allegations that SouthEast's references to Saturn's complaint qualify as hearsay and are inadmissible, the Commission, in its discretion, finds that SouthEast's references are permissible in this instance. The Commission will ultimately determine what weight to give the discussion of the Saturn complaint during the course of deliberating the outcome to this proceeding. The Commission also finds that, as AT&T Kentucky is allowed to submit a reply to SouthEast's brief, SouthEast, in turn, shall also be given the opportunity to submit a sur-reply. However, the Commission shall limit the content of SouthEast's sur-reply to only the arguments contained within AT&T Kentucky's reply. SouthEast shall have 10 days from the date of this Order to submit its sur-reply. Although the Intervenor to this proceeding, Competitive Carriers of the South, Inc. ("CompSouth"), did not submit a post-hearing brief, the Commission finds that it shall also have 10 days from the date of this Order to submit a sur-reply, if it so desires. At the conclusion of this schedule, the briefing portion of this proceeding shall be deemed closed and this matter shall be submitted for final decision by the Commission.

The Commission HEREBY ORDERS that:

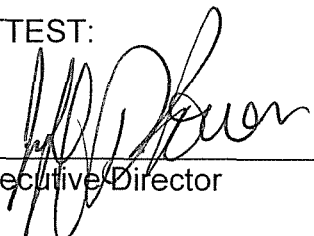
1. AT&T Kentucky's motion for leave to file a reply is granted.

2. SouthEast and CompSouth shall have 10 days from the date of this Order to submit sur-replies to AT&T Kentucky's reply, in accordance with findings enumerated within this Order.

By the Commission



ATTEST:



Executive Director

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