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July 21, 2011

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

RECEIVED

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PUBLIC SERVICE
COMMISSION

*RE: Ballard Rural Telephone Cooperative Corporation, Inc. et al v.
BellSouth Telecommunications d/b/a AT&T Kentucky, Inc.
Case No. 2011-00199*

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Bluegrass Telephone Company, Inc.'s Motion for Limited Intervention.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via the enclosed, self addressed, postage paid envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BALLARD RURAL TELEPHONE)	
COOPERATIVE CORPORATION, INC., ET AL.)	
)	
COMPLAINANTS)	CASE NO: 2011-00199
)	
V.)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY)	
)	
DEFENDANT)	

MOTION FOR LIMITED INTERVENTION

Pursuant to 807 KAR 5:001 § 3(8), Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone Company (“KTC”), by counsel, hereby moves to Public Service Commission of the Commonwealth of Kentucky to grant KTC limited intervention in the above-captioned matter.

KTC is a competitive local exchange carrier (“CLEC”) and is unaffiliated with the RLEC Complainants or any incumbent local exchange carrier (“ILEC”). KTC provides service in Grayson County, Kentucky and exchanges local traffic directly with Windstream Kentucky East, LLC (“Windstream”) pursuant to an interconnection agreement. KTC’s address is 101 Mill Street, Leitchfield, Kentucky 42754.

The RLEC Complainants allege BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T-KY”) is delivering access traffic from a third-party without compensating the RLECs accordingly for access services. Specifically, the RLECs claim AT&T-KY is acting as an intermediary for the delivery of traffic to other carriers. AT&T-KY allegedly secured for itself the right to reimbursement from the third party while refusing to compensate the RLECs

who terminated the traffic. Because the traffic at issue is not CMRS traffic, the RLECs argue that AT&T-KY must compensate the RLECs for providing access at their tariffed rates; AT&T-KY is denying its responsibility. AT&T-KY claims the traffic is CMRS traffic subject to the Kentucky Restructured Settlement Plan (“KRSP”), *see* Complaint, ¶ 13. KTC is not a party to the KRSP and is not governed by it. (KTC takes no position on whether the KRSP is relevant to this proceeding.)

Like the RLECs, KTC has determined that AT&T-KY is improperly terminating traffic from a third party and that none of it is actually CMRS traffic from that third party’s end users. But unlike the RLECs’ relationship with AT&T-KY, KTC and AT&T-KY never exchange local traffic between their own customers; the companies have no common local calling areas. Moreover, AT&T-KY is not a local transit provider to KTC; Windstream is.

The RLECs state that AT&T-KY terminates traffic to them directly over existing interoffice facilities. For KTC, however, the disputed traffic AT&T-KY is terminating is not being routed directly; instead AT&T-KY is knowingly allowing it to be sent over transit trunks between AT&T-KY and Windstream. As the facts above illustrate, this routing is improper because AT&T-KY’s local calling area does not include any of the exchanges served by KTC, and all interexchange traffic from AT&T-KY to KTC should be terminated to KTC over switched access arrangements or through an interexchange carrier. In other words, this is long distance traffic that AT&T-KY is accepting then sending to the wrong carrier, in this case, Windstream. Windstream then passes the traffic to KTC over interconnection facilities rather than over an access trunk group. KTC has asked AT&T-KY to route this long distance traffic

correctly, e.g., via an interexchange carrier, but AT&T-KY has refused.¹ Moreover, KTC has billed AT&T-KY its tariffed access rates for the traffic, and AT&T-KY has refused to pay.

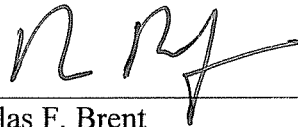
The AT&T-KY practices described by the the RLECs in their complaint have had the same detrimental effects on KTC as the RLECs allege. But KTC is not an ILEC, not a party to the KRSP, and is not directly interconnected with AT&T-KY. Accordingly, KTC represents an interest and a perspective that is not otherwise adequately represented by any other party to this proceeding. Limited intervention by KTC is likely to present issues and develop facts that will assist the Commission in fully considering this matter, especially in examination of the method that AT&T-KY is improperly using to terminate traffic.

In addition, limited intervention by KTC will not unduly complicate or disrupt the proceedings. While pursuant to 807 KAR 5:001 § 3(8)(a), KTC would have the full rights of a party at the hearing and shall be served with the Commission's order, KTC does not foresee discovery, and will obtain filed testimony, exhibits, pleadings, correspondence and all other documents submitted by the parties by using the Commission's website.

¹ In answering the RLEC complaint, AT&T claims that an FCC order gives it permission to route the traffic in the manner it has chosen and limits its ability to stop the problems the RLEC allege it to have caused. AT&T has misread this bureau order, which it neither filed or cited. In *In the Matter of Call Blocking by Carriers*, 22 FCC Rcd 11629 (Wireline Comp. Bur. 2007), the issue was self-help in access *rate* disputes. The issue in this case is different. AT&T should not be routing the traffic to KTC in the manner it does today. But once it volunteers to do so, it should pay the charges owed to terminating carriers. If AT&T does not want to pay for access services in the future, it should advise its counter-party to route non-local wireline traffic to an IXC like AT&T Communications. At least in pointing to the *Call Blocking* order AT&T concedes the traffic at the heart of this dispute is non-local traffic, subject to access charges.

WHEREFORE, KTC respectfully requests that the Commission grant it limited intervention as a party to this proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Motion was served upon the following persons by first class United States mail, postage prepaid, on the 21st day of July, 2011:

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