

**SouthEast Telephone**

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FCC - MAILROOM

July 5, 2002

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Marlene H. Dortch, Secretary  
 Office of the Secretary  
 445 12<sup>th</sup> Street, SW  
 CY-B402  
 Washington, DC 20554

**RE: Comments on BellSouth's authorization under Section 271 to provide In-Region InterLATA Service in the State of Kentucky**

WC Docket No. 02-150

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Ms. Dortch:

SouthEast Telephone is a small rural CLEC headquartered in the mountains of Eastern Kentucky. Our primary mission is to provide rural Kentuckians with high quality everyday communications services that exceed their expectations. We have a vested interest in the decision that the FCC must make concerning the authorization of BellSouth's request to provide In-Region InterLATA service in the state of Kentucky since we directly compete with BellSouth.

Pursuant to Section 271(d)(3)(c) of the Communications Act of 1934, as amended ("the Act"), the Commission shall not approve the authorization unless it finds that the requested authorization "is consistent with the public interest, convenience, and necessity." We applaud the FCC for always keeping this public interest obligation in mind, but we ask that you specifically consider the rural consumer as you examine BellSouth's request to enter the long distance market in Kentucky. Specifically, the rural consumers located in the mountainous heartland of our state stand to lose their quest for competitive telephone service if the FCC prematurely grants BellSouth's application. Competition can only be fostered by ensuring a permanent and irreversible opening in all markets—both urban and rural—prior to allowing BellSouth to enter the long distance market.

As evidenced by recent multi-million dollar penalties for non-compliance, BellSouth has not met the necessary requirements of the Act to fully open its markets to competition in other states. BellSouth now claims that the local markets in Kentucky have been opened. However, as set forth below, SouthEast Telephone has specific and concrete examples that demonstrate otherwise. Indeed, SouthEast Telephone submits that a

grant of the BellSouth application will not serve the public interest and will serve only to reward BellSouth for anticompetitive behavior, as we know it in the rural market, that contravenes the letter and spirit of the Act.

In the urban areas of Kentucky, there have been modest market opening efforts by BellSouth; unfortunately, in the rural areas, only a very limited amount of competition has evolved from the Act. We certainly understand and agree that the incumbents need the ability to compete on a more level playing field with their competitors; however, a broad-based solution applied equally to all Kentuckians would actually be a death sentence for the small rural companies like our own and would be detrimental to rural consumers. Instead, it only presents our customers with a very limited choice of local service providers. Timing for increased competition in the telecommunication markets may be perfect for the larger urban areas but it is not appropriate for rural areas.

One example of BellSouth's questionable commitment to competition and opening of its local market that is pertinent to SouthEast Telephone is BellSouth's request to intervene in the petition of SouthEast Telephone to be designated as an Eligible Telecommunications Carrier ("ETC") in the state of Kentucky. We are not sure of BellSouth's intentions, but we assume that BellSouth will seek to prevent the designation. This would not be a positive step for our company and could potentially mean a long and expensive uphill battle. SouthEast Telephone does not believe that BellSouth has truly opened their local rural markets to competition, especially since no CLECs to date have obtained ETC status in the state of Kentucky. Without the ETC designation, Universal Service Funding is not available for companies like ours to compete with the established ILECs, many of whom are receiving USF funding. CLECs should have the opportunity to draw upon and use these government subsidies on an equal basis with the ILECs so that competition can bring competitive benefits to all consumers, including the ones who live in the rural areas.

Another legal tactic employed by BellSouth in an effort to delay competition was its unwillingness to reach an interconnection agreement for UNE-P services with SouthEast Telephone. The terms of the agreement took over one year to negotiate and ended up as a PSC case, with all issues being settled by the PSC in the favor of SouthEast Telephone. Even though we eventually won on all points, the one year delay cost our company a large sum of money in legal fees plus the profits that would have been attained in that year. Legal tactics such as this one, which delay competition, show that BellSouth is resistant to opening all local markets and uses every legal method at their disposal to prevent competition.

It appears that SouthEast Telephone runs into problems dealing with BellSouth more often than CLECs competing in the larger cities, as demonstrated by the attached summary. (Customer's name and telephone number have been blacked out on the spreadsheets to maintain customer privacy and confidentiality; however, upon request, this information will be made available to the FCC staff for verification purposes.) BellSouth repeatedly missed commitment times, disconnected services on wrong dates, clarified orders in error, completed orders incorrectly, programmed features in the switch incorrectly, provided unacceptable due dates, failed to dispatch technicians

when required, etc. The attached summary sets forth these errors in detail. Most of these issues required several days for BellSouth to resolve, with our Customer Service Representatives (CSRs) being required to make repeated calls in an effort to clear the majority of the problems. All of these lengthy (and unnecessary) efforts by our employees cause an inefficiency in our company and place additional pressure on our local service department CSRs as they have to explain the delays to the customers while attempting to maintain goodwill.

Again, we reiterate that the urban areas and the rural areas of Kentucky cannot be regulated under a single policy. The Golden Triangle (26 counties including Lexington, Louisville, and the northern Kentucky area) only comprise approximately 15.5% of the square mileage of Kentucky, yet it accounts for more than 41% of the population base. We wish to make clear that the urban areas and the rural areas cannot be regulated under the same policy.

SouthEast Telephone believes that in addressing BellSouth's request for Section 271 authorization in the state of Kentucky, the FCC should carefully consider all points of view, both urban and rural, and deny the request of BellSouth until rural markets are open to competition on the same level as the urban markets. Our company appreciates your recognition of the importance of this decision and the need to give it your full and complete consideration. Our staff and management is available to answer any questions that might facilitate your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Maynard", with a long horizontal flourish extending to the right.

Darrell Maynard  
President

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	83079		03/17/99	N/A	N/A	Order was clarified in error so many times that the customer never received her phone number before she passed away.
	83420		N/A	04/29/02	05/04/99	Resulted in service being several days past due date.
	83646		05/22/99	05/22/99	07/30/99	Bell did not meet the commitment time. We had to issue multiple orders to get the directories sent to the customer.
	83921		N/A	07/07/99	07/21/99	Call Forwarding was not programmed correctly in the switch by Bell.
	84147		07/19/99	07/26/99	07/20/99	Bell disconnected service 07/19/99 before the desired date of 07/26/99. Customer was without phone service due to this error.
	84149		07/15/99	07/20/99	07/27/99	Bell's error caused a delay in service for our new customer.
	84186		07/20/99	07/23/99	07/29/99	Bell did not meet commitment time.
	84194		07/18/99	07/18/99	08/05/99	Bell did not complete the order correctly delaying our customer's service for 21 days.
	84196		07/21/99	07/23/99	07/28/99	Commitment time not met to install residential line.
	84214		N/A	N/A	N/A	Order never received an FOC. The order timed out because they clarified our cancellation request.
	84216		07/22/99	07/22/99	08/10/99	Order worked incorrectly by Bell.
	84218		07/22/99	07/26/99	07/28/99	Bell did not meet commitment time.
	84229		07/20/99	07/23/99	07/25/99	Clarified in error.
	84240		07/26/99	07/26/99	08/02/99	Bell worked a new install incorrectly, giving strangers access to our customer's phone line and long distance for six days.
	84241		07/26/99	07/28/99	07/29/99	Bell Technician broke customer's main line while installing an additional line.
	84283		07/29/99	07/29/99	08/02/99	Bell disconnected our customer.
	84290		08/03/99	08/09/99	08/09/99	Due date 6 days beyond order date.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	84344		08/04/99	08/11/99	08/17/99	Commitment time not met and due date was not acceptable. Customer was without service for 6 days.
	84345		08/04/99	08/04/99	08/13/99	Orders not received. Bell kept putting the order into clarification in error. The customer's service was delayed 9 days.
	84352		08/04/99	08/07/99	08/10/99	No response from Bell on the status of the orders. Also, when the Bell technician received the order to work, none of our remarks were on his ticket. We had to call in another ticket to have the line tagged on the d-marc delaying the customer's service for 3 days.
	84356		08/04/99	08/10/99	08/12/99	Commitment time was not met.
	84361		08/04/99	08/10/99	08/16/99	Order was completed incorrectly. We had to issue multiple repair tickets before the customer's service was properly fixed.
	84365		08/05/99	08/05/99	08/11/99	Bell rejected our order because the rep was looking at the wrong company code.
	84365		N/A	08/11/99	08/26/99	Call Forwarding was not programmed correctly in the switch by Bell. We had to issue two repair tickets in order to get the issue resolved for the customer.
	84366		08/05/99	08/05/99	08/13/99	Invalid clarifications delayed our customer's service for 8 days.
	84370		08/06/99	08/10/99	08/12/99	Bell did not complete the order correctly delaying our customer's service for 2 days.
	84381		08/06/99	08/12/99	08/16/99	Bell disconnected our customer's service in error causing our customer to be four days without dial tone.
	84385		08/06/99	08/13/99	08/17/99	Site visit required, but Bell did not dispatch technician. Customer's service did not get activated until 11 days after the commitment date.
	84389		08/06/99	08/16/99	08/16/99	Due date was not acceptable. 10 days past order date.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	84417		08/09/99	08/10/99	08/18/99	Bell worked the order incorrectly and would not return our calls as promised. Customer was without dial tone for 8 days.
	84424		08/10/99	08/16/99	08/20/99	Clarified invalid and the due date was not acceptable.
	84435		08/18/99	08/18/99	08/24/99	Bell did not meet the commitment time and caused our customer to loose money on advertising, which they held us responsible for. Our customer refused to pay for the service.
	84450		08/13/99	08/18/99	08/18/99	Due date was not acceptable. 5 days past order date.
	84457		08/13/99	08/13/99	08/17/99	Invalid clarification. Had to escalate the order to get the issue resolved.
	84473		08/13/99	08/13/99	08/16/99	Commitment time not fulfilled. Customer had to wait 3 days for the order.
	84487		08/17/99	08/24/99	08/17/99	Due date was not acceptable to simply delete call waiting.
	84521		08/19/99	08/19/99	08/24/99	Bell disconnected our customer's service in error causing our customer to be five days without dial tone.
	84522		08/20/99	08/26/99	08/26/99	Bell changed the customer's number without their permission and they also worked the order incorrectly which caused our customer to be without dial tone.
	84526		N/A	08/20/99	08/20/99	Clarified in error. This had to be manually handled in order to resolve.
	84584		09/13/99	09/27/99	09/28/99	Bell sent a technician out when it was not necessary. The order took too long to work and the order was issued incorrectly.
	84579		08/23/99	08/25/99	08/27/99	Commitment time was not met. Customer was 2 days without dial tone.
	84600		08/24/99	08/28/99	08/30/99	Bell clarified in error and the commitment time was not met.
	84636		08/23/99	08/27/99	08/27/99	Order was worked incorrectly. Customer went several hours without dial tone.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	84676		08/27/99	09/01/99	09/01/99	Record split caused the customer's service to go down. Service was not restored until 3p.m.
	84722		09/02/99	09/08/99	09/11/99	Order worked incorrectly by Bell.
	84753		09/03/99	09/03/99	09/10/99	Order was clarified incorrectly and LCSC rep was extremely rude.
	84771		N/A	09/08/99	09/09/99	Bell technician was sent out on a "Switch w/changes" order. No site visit was required.
	84774		09/03/99	09/10/99	09/10/99	Order was worked incorrectly. Customer went several hours without dial tone.
	84841		N/A	09/13/99	09/15/99	Technician required, but not dispatched.
	84876		N/A	09/22/99	09/30/99	Call Forward busy feature was not programmed correctly by Bell.
	84945		09/28/99	09/30/99	09/30/99	Call Forward busy feature was not programmed correctly by Bell.
	85390		N/A	11/02/99	11/09/99	Call Forward busy feature was not programmed correctly by Bell.
	85529		N/A	11/08/99	11/10/99	Call Forward busy feature was not programmed correctly by Bell.
	86189		N/A	01/04/00	01/08/00	Call Forward busy feature was not programmed correctly by Bell.
	87027		N/A	02/22/00	03/13/00	Call Forward busy feature was not programmed correctly by Bell.
	87049		N/A	02/24/00	02/29/00	Ordered an additional line for customer. Line was installed and did not work. We requested a tech be dispatched, but Bell did not dispatch the tech. We had to issue an additional repair ticket to get a tech dispatched.
	87435		N/A	03/15/00	03/17/00	Call Forward busy feature was not programmed correctly by Bell.
	87634		N/A	03/29/00	04/03/00	Customer without dial tone. Bell did not dispatch technician as requested and thus delayed the repair.
	87757		N/A	04/05/00	04/10/00	Call Forward busy feature was not programmed correctly by Bell.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	87762		N/A	04/05/00	04/12/00	Call Forward busy feature was not programmed correctly by Bell. Had to issue two repair tickets to get this resolved.
	93636		04/11/01	04/18/01	04/19/01	Bell did not meet customer requested due date of 04/18/01.
	93702		N/A	N/A	N/A	Order was clarified in error so many times that the customer cancelled the order due to the delay.
	93777		04/17/01	05/09/01	07/05/01	Clarified in error. Took too long to get this issue resolved.
	94045		N/A	05/04/01	05/07/01	Bell issued order incorrectly causing customer to be w/out dialtone.
	94232		05/07/01	05/12/01	05/12/01	Bell slammed this customer's service.
	94239		05/15/01	05/17/01	05/17/01	Clarified in error. Had to escalate issue to get this resolved.
	94250		N/A	05/14/01	05/14/01	No tech was required. Bell dispatched anyway.
	94255		07/28/99	08/02/99	08/03/99	Technician required, but not dispatched. Bell technician also led our customer to believe that if they had been a Bell customer, the commitment time on the order would have been met.
	94310		05/18/01	05/23/01	05/23/01	Invalid Clarification. Had to escalate issue to get this resolved.
	94313		05/18/01	05/24/01	05/24/01	Clarified in error. Had to escalate issue to get this resolved.
	94375		05/22/01	05/29/01	08/02/01	Cancelled by Bell; Tech required, but not dispatched.
	95431		07/26/01	07/30/01	07/30/01	Bell issued order incorrectly causing customer to be w/out dialtone.
	95960		08/24/01	08/24/01	08/25/01	Tech was required, but not dispatched.
	95961		08/24/01	08/24/01	08/25/01	Tech was required, but not dispatched.
	96461		N/A	09/20/01	09/24/01	Bell did not meet commitment time.
	96469		09/19/01	09/21/01	09/26/01	Order cancelled in error by Bell.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	96494		N/A	10/01/01	10/08/01	This order was completed incorrectly causing the wrong number to be published in the phone directory.
	97284		11/09/01	11/09/01	11/30/01	Transfer order clarified in error several times. Tech required, but not dispatched. Customer was several days without dial tone.
	97516		N/A	11/28/01	11/29/01	Customer was slammed by Bell.
	97708		12/12/01	12/14/01	12/19/01	Record split caused the customer to be w/out dialtone for several days.
	97708		12/12/01	12/14/01	12/19/01	Record split caused the customer to be w/out dialtone for several days.
	98108		N/A	05/07/01	05/07/01	Clarified in error. Had to escalate issue to get this resolved.
	98485		01/31/02	02/07/02	02/05/02	Due date for a transfer of one business line was 7 days out.
	98840		02/20/02	02/25/02	02/27/02	Tech was required, but not dispatched.
	98948		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP.
	98949		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP.
	98950		N/A	03/07/02	03/09/02	Bell issued the assignments incorrectly causing the customer's service to be down all day.
	99308		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP.
	99309		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP.
	99720		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
	99721		03/01/02	05/01/02	05/10/02	Our team had to make multiple orders, go through multiple clarifications and rejections, and two months in order to get a working INP. The order was clarified stating that this was already a working number. This was a quick change number and the customer could have had service on the same day, however, Bell clarified the order. We had to send multiple revisions in until we finally ordered a new number on PON 100309A and the ordered finally completed on 6/6/02.
	100309			05/28/02	06/06/02	Customer ordered line after flooding in our area. This was an emergency for communication to help residents with aid for flooding. Bell did not meet the promised commitment time and we were unable to provide the service for FEMA.
	100312		05/28/02	05/29/02	N/A	Customer asked that all features be removed except call return. This order was clarified stating features were not on acct. to disconnect. LCSC verified that the order was clarified invalid and worked the order.
	100534		06/08/02	06/08/02	06/19/02	Customer asked that complete choice be removed from line. We issued the order and LENS showed order to be complete on 6/10/02, however, CSR did not update. LCSC worked the order and gave the due date of 6/21/02.
	100563		06/10/02	06/10/02	06/21/02	We issued an order for an additional line. The order was clarified stating the ACT was incorrect. LCSC worked the order and gave a due date of 6/24/02. We were on with LCSC for 40 minutes due to an invalid clarification.
	100754		06/18/02	06/24/02		

THE CUSTOMER'S NAME AND PHONE NUMBER HAVE BEEN BLACKED OUT TO PROTECT THEIR PRIVACY AND CONFIDENTIALITY; HOWEVER, UPON REQUEST, THIS INFORMATION WILL BE PROVIDED TO FCC STAFF FOR VERIFICATION PURPOSES.

Customer Name	PON	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
ADSL Issue	N/A	N/A		01/20/00	07/11/01	Bell Account Team took from 01/20/00 to 07/11/01 to make it possible for SouthEast to order ADSL.
Call Forwarding Issue	N/A	N/A	05/13/01	05/13/01	05/16/01	Order worked incorrectly by Bell. Issue was finally resolved after speaking with multiple representatives and managers.
INP Dispute	97121	N/A	10/31/01	N/A	01/09/02	Order worked incorrectly by Bell. Issue was finally resolved after speaking with multiple representatives and managers.
Full Circle Program	N/A	N/A	04/25/01	N/A	N/A	We did not receive the details on this promotion from Bell until after the promotion had ended.
Mutiple Ordering Issues	N/A	N/A	09/14/99	N/A	N/A	SouthEast & BellSouth concerning several ordering issues.
Processing Chg Charge	N/A	N/A		N/A	N/A	This is an on-going problem. With billing feature changes on end users processing, change charge does not apply.
UNE-P Q Acct Number	N/A	N/A	08/31/01	N/A	12/04/01	Began contacting Cynthia Hodges with Bell in order to place orders through LENS. The first order did not go through until December 4, 2001.
UNE-P Billing Issues	N/A	N/A		N/A	On-Going	Q Account #502-295-0628 pricing incorrect on conversion and recurring charges (ie. mileage, ports, and loops).

Customer Name	Phone Number	Order Date	Due Date	Date Resolved	Issue Summary
[REDACTED]	[REDACTED]	12/31/99		01/03/00	Took Bell 3 days to solve a repair concerning Call Forward Busy.
		<del>11/16/01</del>		<del>03/04/02</del>	<del>Issued 6 tickets in order to correct the problem.</del>
		03/01/00	03/06/00	02/01/02	Customer has called in repeatedly for almost two years. Finally, the problem seems to have been solved.
		07/29/99	08/06/99	08/18/99	resolve the issue. Issue went 10 days beyond the due date.
		05/20/02	05/23/02	06/04/02	This issue took a Bell technician three visits to correct the problem over 15 days.
					Customer reported SouthEast to PSC due to cross talk being reported since January 2002
		05/06/02		On Going	Customer has had repeated repair calls for no dial tone. Line technicians determined it to be an inside problem with no access - but line went out each time there was rain. On 6/25/02, tech replaced the channel unit. On 6/28/02, tech re-spliced arial cable wire. At present time, repair issues are closed but yet to be determined if problem is corrected