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JUN 8 2017

PUBLIC SERVICE
COMMISSION

June 7, 2017

Dr. Talina R. Mathews, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

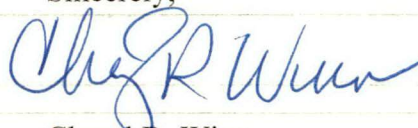
**RE: In the Matter Motion of Level 3 Telecom of KY to Exempt Telecommunications Utilities from the Obligation to Obtain a Certificate of Convenience and Necessity to Bid on Franchises
PSC Case No. 2017-00177**

Dear Dr. Mathews:

Pursuant to 807 KAR 5:0001, Section 8, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") and the Commission's Order of May 17, 2017, hereby submits the original and ten (10) copies of AT&T Kentucky's Comments in the above-referenced matter.

I have included an extra copy along with a postage-prepaid envelope. Please filed-stamp and return the extra copy to me. If you have any questions or need further information, please contact me at the Louisville office listed above. Thank you for your assistance and attention to this matter.

Sincerely,



Cheryl R. Winn

Enclosures

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

JUN 8 2017

PUBLIC SERVICE
COMMISSION

In the Matter of:

MOTION OF LEVEL 3 TELECOM OF KY TO)
EXEMPT TELECOMMUNICATIONS UTILITIES) CASE NO.
FROM THE OBLIGATION TO OBTAIN A) 2017-00177
CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO BID ON FRANCHISES)

COMMENTS OF AT&T KENTUCKY

Pursuant to the Order entered in this Case on May 17, 2017, AT&T Kentucky,¹ on behalf of itself and affiliated entities, supports the issuance of an Order exempting all telecommunications utilities, including without limitation competitive local exchange companies (“CLECs”) and wireless carriers, from any requirements of KRS 278.020(5) to obtain a certificate of public convenience and necessity (“CPCN”) before applying for or obtaining any franchise, license, or permit from any city or other governmental entity.

In the alternative, and at a minimum, the Commission should issue an Order making clear that any telecommunications utility doing business in Kentucky pursuant to the Commission’s Orders in Administrative Case Nos. 359 and 370 is exempt from the requirements of 278.020(5).² In pertinent part, and as permitted by KRS 278.512 and 278.514, those Orders

¹ BellSouth Telecommunications, LLC d/b/a AT&T Kentucky

² See Order, *In the Matter of Exemptions for Providers of Local Exchange Service other than Incumbent Local Exchange Carriers*, Case No. 370 (January 8, 1998); Order, *In the Matter of Exemptions for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones*, Administrative Case Nos. 359 and 370 (August 8, 2000).

adopted streamlined processes by which CLECs³ and wireless carriers⁴ may begin providing services in Kentucky. There is no valid reason for anyone to suggest that CLECs or wireless carriers already authorized to provide services pursuant to those streamlined processes should have to incur the time and expense of duplicative and unnecessary administrative proceedings to obtain a CPCN before they can apply for a franchise, license, or permit.

While AT&T Kentucky is confident that no such duplicative proceedings are required, Level 3's Petition suggests that others may take a different view. AT&T Kentucky, therefore, requests that the Commission enter an Order either: (a) exempting all telecommunications utilities from any requirements of KRS 278.020(5); or (b) making clear that the requirements of KRS 278.020(5) do not apply to any telecommunications utility doing business in Kentucky pursuant to the Commission's Orders in Administrative Case Nos. 359 and 370.

Respectfully submitted,



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³ See January 8, 1998 Order at 3 (“requir[ing] only a propose tariff with 30 days’ notice to the Commission and a cover letter setting forth certain information prior to CLEC or wireless entry into the Kentucky market”).

⁴ See August 8, 2000 Order at 2-3 (“wireless carriers . . . that wish to provide service in Kentucky and that have not previously filed a notice of intention to do business in this state need only submit a letter to the Commission which contains (1) the name and address of the utility; (2) articles of incorporation or partnership agreement, if applicable; (3) name, street address, telephone number and fax number, if any; and (4) the name of a person who should be contacted in regard to customer complaints and regulatory issues.”)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served June 7, 2017, upon the following:

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