

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF TOLL AND ACCESS)
CHARGE PRICING AND TOLL SETTLEMENT)
AGREEMENTS FOR TELEPHONE UTILITIES) CASE NO. 8838
PURSUANT TO CHANGES TO BE EFFECTIVE) PHASE III
JANUARY 1, 1984)

O R D E R

Introduction

On February 11, 1987, US Sprint Communications Company ("Sprint") filed a petition for rehearing and/or clarification of the Commission's Order of January 22, 1987, in this case. Also, on February 11, 1987, MCI Telecommunications Corporation ("MCI") filed a motion for reconsideration and expedited rehearing. On February 26, 1987, AT&T Communications of the South Central States, Inc., ("AT&T") filed a memorandum of law in opposition to Sprint's petition for rehearing and/or clarification. Also, on February 27, 1987, AT&T filed a memorandum of law in opposition to MCI's motion for reconsideration and expedited hearing.

Discussion

Sprint Petition for Clarification

The Commission will address Sprint's petition for rehearing and/or clarification as a petition for clarification, as rehearing is not necessary.

In its Order of January 22, 1987, the Commission required that a 55 percent discount apply to ULAS¹ charges for feature group "A" access service, omitting mention of feature group "B" access service, which is also non-premium access service.

Sprint "requests that the Commission clarify that the ULAS discount made available in its BHMOCC² Order is equally applicable to ULAS interLATA channels in proportional relation to FG-B as well as FG-A access services ordered."³

AT&T opposes Sprint's petition for clarification on the grounds that there is no evidence in the record of this case to support application of a 55 percent ULAS discount to feature group "B" access service and that the extension of the discount to feature group "B" access service would be procedurally incorrect.

In the opinion of the Commission, Sprint's petition for clarification should be granted and the 55 percent ULAS discount should apply to all non-premium access service. The intent of the Commission's Order of January 22, 1987, was that the discount apply to both feature group "A" access service and feature group "B" access service, as both are forms of non-premium access service. Moreover, contrary to AT&T assertions, the record in this case is replete with evidence to support application of the discount to both feature group "A" access service and feature

¹ Universal Local Access Service.

² Busy Hour Minutes of Capacity.

³ Sprint Petition for Rehearing and/or Clarification, Filed on February 11, 1987, page 3.

group "B" access service, including remarks by its own witnesses on cross-examination.

MCI Motion for Reconsideration and Expedited Hearing

Although MCI's motion for reconsideration and expedited hearing cites the Commission's Order of January 22, 1987, it does not address any issue relevant to that Order. Instead, MCI "requests that the Commission finally determine the issues that have been presented concerning the underlying fairness and equity of the ULAS provisions and that it grant the relief requested herein and in the Motion to Reject the ULAS Tariffs⁴ and Complaint⁵ (and request for audit) previously filed with the Commission."⁶

AT&T opposes MCI's motion for reconsideration and expedited hearing on the grounds that MCI failed to persuade the Commission of its position and seeks to reargue evidence that it has already presented.

The issues raised in MCI's motion for reconsideration and expedited hearing are the same as those raised in its earlier motion to reject ULAS tariff filings and complaint against South Central Bell Telephone Company ("SCB") as ULAS pool administrator. These matters are pending before the Commission and will be the

⁴ Filed on October 27, 1986.

⁵ Ibid.

⁶ Motion of MCI Telecommunications Corporation for Reconsideration and Expedited Hearing, Filed on February 11, 1987, page 1.

subject of an Order to be released in the near future. Therefore, in the opinion of the Commission, MCI's motion for reconsideration and expedited hearing should be consolidated with its prior motion and complaint.

Findings and Orders

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

1. Sprint's petition for clarification should be granted and the 55 percent ULAS discount should apply to all non-premium access service.

2. MCI's motion for reconsideration and expedited hearing should be consolidated with its prior motion and complaint.

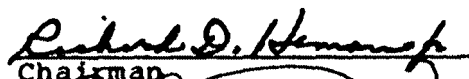
IT IS THEREFORE ORDERED that:

1. Sprint's petition for clarification be and it hereby is granted and the 55 percent ULAS discount shall apply to all non-premium access service.

2. MCI's motion for reconsideration and expedited hearing shall be consolidated with its prior motion and complaint.

Done at Frankfort, Kentucky, this 3rd day of March, 1987.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director