

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPROVAL OF THE RESALE )  
AGREEMENT NEGOTIATED BY )  
BELLSOUTH TELECOMMUNICATIONS, )  
INC. AND FLATEL COMPANY, INC. )  
PURSUANT TO SECTIONS 251 AND ) CASE NO. 97-416  
252 OF THE TELECOMMUNICATIONS )  
ACT OF 1996 )

O R D E R

On October 1, 1997, BellSouth Telecommunications, Inc. ("BellSouth") and FLATEL Company, Inc. ("FLATEL") submitted to the Commission their negotiated agreement for resale of BellSouth services. The agreement was negotiated pursuant to the Telecommunications Act of 1996 ("1996 Act"), 47 U.S.C. Sections 251 and 252. Section 252(e) of the 1996 Act requires the parties to an interconnection agreement adopted by negotiation to submit the agreement for approval to the Commission.

The Commission has reviewed the agreement and finds that no portion of the agreement discriminates against a telecommunications carrier not a party to the agreement. The Commission also finds that the implementation of this agreement is consistent with the public interest, convenience, and necessity.

FLATEL must comply with all relevant Commission mandates for serving in this Commonwealth including the submission of documents verifying the establishment of an

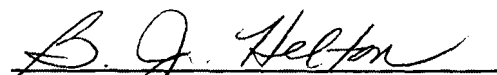
escrow account or the posting of a bond to cover 6 percent of FLATEL's gross receipts from the provision of intrastate service for Universal Service Fund obligations.<sup>1</sup>

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that:


1. The negotiated agreement between BellSouth and FLATEL is approved.
2. Within 20 days of the date of this Order, FLATEL shall file documents demonstrating that an escrow account or bond has been established to pay its Universal Service Fund obligations.
3. FLATEL shall file a tariff for local service prior to providing local service giving 30-days' notice to the Commission and shall comply with all Commission regulations and orders as directed.

Done at Frankfort, Kentucky, this 20th day of November, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

<sup>1</sup> See Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service, and the Non-Traffic Sensitive Access Rate, Order dated September 26, 1996 at 51 and 54.