

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY MCImetro FOR ARBITRATION )  
OF CERTAIN TERMS AND CONDITIONS OF )  
A PROPOSED AGREEMENT WITH GTE ) CASE NO. 96-440  
SOUTH INCORPORATED CONCERNING )  
INTERCONNECTION AND RESALE UNDER )  
THE TELECOMMUNICATIONS ACT OF 1996 )

O R D E R

GTE South Incorporated ("GTE") and MCImetro Access Transmission Services, LLC ("MCImetro") have submitted to the Commission two separately executed adoption letters pursuant to 47 U.S.C. 252(i). Both parties signed the submittal; however, the parties failed to sign each other's notices of adoption. The Commission herein mandates that both parties sign a common agreement. The language for the common agreement should be as follows:

**Agreement of adoption of an approved interconnection agreement pursuant to 47 U.S.C. 252(i).** GTE South Incorporated and MCImetro Access Transmission Services, LLC have executed this agreement regarding the adoption by MCImetro of the agreement between GTE and AT&T Communications of the South Central States, Inc. pursuant to Order of the Public Service Commission. MCImetro adopts the terms of the AT&T arbitrated agreement for interconnection with GTE (Case No. 96-478) and in applying the terms agrees that MCImetro shall be substituted for AT&T in the terms wherever appropriate.

Notice to the parties as may be required under the terms shall be provided as follows to:

GTE South Incorporated  
Attention: Director--Wholesale Contract Compliance  
Network Services  
600 Hidden Ridge  
Irving, Texas 75038

MCI WorldCom, Inc.  
Attention: Regional Executive  
205 North Michigan Avenue, 37<sup>th</sup> Floor  
Chicago, Illinois 60601

MCI WorldCom, Inc.  
Attention: General Counsel  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

MCImetro represents and warrants that it is a certified provider of local telecommunications services in the state of Kentucky and that its adoption of the terms covers services in the state of Kentucky only.

The terms of this agreement shall be in effect until the AT&T arbitrated terms are terminated. The AT&T arbitrated agreement is currently scheduled to expire on August 9, 2002.

A copy of this statement with no substantive changes or additions must be signed by both parties and submitted to the Commission within 10 days of the date of this Order.

GTE has sought to include in the adoption agreement a statement that any provisions of the AT&T contract that might be interpreted to require reciprocal compensation or payment of local traffic from GTE to the telecommunications carrier for the delivery of traffic to the Internet are not available for adoption and are not part of this agreement, pursuant to Federal Communications Commission Rule 809 and Paragraphs 1317 and 1318 of the First Report and Order. Such inclusion based on GTE's unilateral assertion that the cost of providing service is not cost-based under Rule 809 is inappropriate for an adoption agreement. Should GTE believe that any part of its agreement with AT&T is inappropriate for adoption, that matter must be presented to this Commission in the form of a complaint for this Commission to determine the factual basis of GTE's assertions. GTE may not unilaterally decide that it will not

provide to a carrier the identical contract language which the Commission has required it to provide to another carrier.

Accordingly, IT IS HEREBY ORDERED that:

1. Within 10 days of the date of this Order, GTE and MCImetro shall submit a signed copy of the adoption agreement as specified herein.

2. The agreement ordered herein shall be approved without further Order of this Commission.

Done at Frankfort, Kentucky, this 28<sup>th</sup> day of March, 2000.

By the Commission

ATTEST:

  
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Executive Director