

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF THE	)	
INTERCONNECTION AGREEMENT BETWEEN	)	CASE NO.
BELLSOUTH TELECOMMUNICATIONS, INC.	)	97-256
AND ALEC, INC. PURSUANT TO SECTION 252(B) OF	)	
THE TELECOMMUNICATIONS ACT OF 1996	)	

O R D E R

On October 8, 1999, BellSouth Telecommunications, Inc. ("BellSouth") filed a petition for arbitration of the interconnection agreement with ALEC, Inc. ("ALEC"). The issues for which BellSouth sought arbitration are: (1) the appropriate rates to be charged for access to unbundled network elements including BellSouth's OSS functions, (2) the appropriate rate structure and rates by which parties will bill reciprocal compensation for the termination of local traffic, (3) whether BellSouth must deliver its traffic to be terminated on ALEC Naps' network or whether BellSouth can establish its own point of presence and interface, (4) the manner, method, and rates by which ALEC will be allowed to co-locate with BellSouth, and (5) whether the interconnection agreement should provide for permanent number portability.

On November 4, 1999, ALEC notified the Commission by letter that it intended to adopt an agreement between BellSouth and another local exchange carrier to interconnect with BellSouth. At that time, ALEC stated that it would notify BellSouth of its adoption and that ALEC and BellSouth could jointly file the agreement for Commission approval.

To date, ALEC has not notified BellSouth or the Commission of which agreement it will adopt. The time in which the Commission must act on BellSouth's petition approaches. Accordingly, based on the best information available to the Commission, the Commission finds that the adoption of an existing interconnection agreement by ALEC would make this petition moot. Accordingly, the Commission will dismiss BellSouth's petition without prejudice. Having considered the best available information, the Commission HEREBY ORDERS that:

1. BellSouth's petition for arbitration of its interconnection agreement with ALEC is dismissed without prejudice.

2. Within 30 days of the date of this order, ALEC shall file for the Commission's approval its adoption of an existing interconnection agreement.

Done at Frankfort, Kentucky, this 26<sup>th</sup> day of January, 2000.

By the Commission

ATTEST:

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Executive Director