

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|--------------------------------|---|-----------------|
| APPROVAL OF THE RESALE |) | |
| AGREEMENT NEGOTIATED BY |) | |
| BELLSOUTH TELECOMMUNICATIONS, |) | |
| INC. AND NUSTAR COMMUNICATIONS |) | CASE NO. 97-392 |
| CORPORATION, PURSUANT TO |) | |
| SECTIONS 251 AND 252 OF THE |) | |
| TELECOMMUNICATIONS ACT OF 1996 |) | |

O R D E R

On March 7, 2000, BellSouth Telecommunications, Inc. ("BellSouth") and NuStar Communications Corporation ("NuStar") submitted to the Commission their negotiated agreement for resale of BellSouth's services to end-users. 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, except for Section 18. Parties shall change this section to reflect the applicability of Kentucky law.

NuStar must comply with all relevant Commission mandates for serving in this Commonwealth.

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

1. The negotiated agreement between BellSouth and NuStar is approved, except that Section 18 shall state: "This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Kentucky, without regard to its conflict of laws principles."

2. NuStar 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.

3. Within 10 days of the date of this Order, BellSouth shall file with the Commission a true and complete copy of the corrected agreement approved herein in Microsoft® Word 97 format on 3.5-inch high-density diskette.

Done at Frankfort, Kentucky, this 15th day of May, 2000.

By the Commission

ATTEST:


Executive Director