

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF THE)
RESALE AGREEMENT NEGOTIATED)
BY BELLSOUTH)
TELECOMMUNICATIONS, INC. AND) CASE NO. 99-499
INTERMEDIA COMMUNICATIONS, INC.)
PURSUANT TO SECTIONS 251 AND)
252 OF THE TELECOMMUNICATIONS)
ACT OF 1996)

O R D E R

On December 8, 1999, BellSouth Telecommunications, Inc. ("BellSouth") filed a petition for arbitration with Intermedia Communications, Inc. ("Intermedia"). On January 3, 2000, Intermedia filed a letter in response. Intermedia indicated that the little business it has in Kentucky may be conducted through a negotiated resale agreement with BellSouth. Thus, Intermedia will no longer maintain an interconnection agreement with BellSouth in Kentucky.

On February 16, 2000, BellSouth and Intermedia 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.

On February 25, 2000, BellSouth petitioned to withdraw its request for arbitration with Intermedia. BellSouth stated that arbitration was moot because the parties had reached an agreement.

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

1. The negotiated agreement between BellSouth and Intermedia is approved.
2. BellSouth's motion to withdraw its petition for arbitration with Intermedia is granted.
3. Intermedia 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.
4. Within 10 days of the date of this Order, BellSouth shall file with the Commission a true and complete copy of the agreement approved herein in Microsoft® Word 97 format on 3.5-inch high-density diskette.

Done at Frankfort, Kentucky, this 31st day of March, 2000.

ATTEST:

By the Commission



Executive Director