

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF AN AGREEMENT)
BETWEEN GTE SOUTH INCORPORATED) CASE NO. 2000-145
AND JATO OPERATING TWO)
CORPORATION PURSUANT TO 47 U.S.C. 252(i))

O R D E R

On March 14, 2000, GTE South Incorporated ("GTE") and Jato Operating Two Corporation ("Jato") submitted to the Commission their negotiated agreement for the interconnection of their networks. Jato is purporting to adopt the interconnection agreement between GTE and AT&T Communications of the South Central States, Inc., which was approved by the Commission in Case No. 96-478.¹ The adoption letter, which appears to comprise the only document memorializing the parties' principal 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 thereof discriminates against a telecommunications carrier not a party to the agreement. The Commission is somewhat hesitant, however, to find that the implementation of the agreement is consistent with the public interest, convenience, and necessity without

¹ Case No. 96-478, Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement With GTE South Incorporated Concerning Interconnection and Resale Under the Telecommunications Act of 1996. (Order dated July 30, 1999).

affording Jato an opportunity to adopt the AT&T agreement in its entirety and without restriction.

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

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

1. Subject to Jato's notification to the Commission within 10 days of the date of this Order that it desires to exercise its legal right to revoke this agreement and adopt the entire AT&T agreement without restriction, this agreement negotiated between GTE and Jato is approved.

2. Jato 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, GTE 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 24th day of April, 2000.

By the Commission

ATTEST:


Executive Director