

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

IGLOU INTERNET SERVICES, INC.)	
)	
COMPLAINANT)	
V.)	CASE NO. 99-484
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

On January 24, 2001, Complainant, IgLou Internet Services, Inc. ("IgLou"), filed a motion to strike and suppress any evidence pertaining to BellSouth Telecommunications, Inc.'s ("BellSouth") proposed federal tariff, and to preclude BellSouth from presenting any evidence pertaining to its proposed federal tariff, as well as any other new evidence. The "evidence" IgLou attempts to have stricken or suppressed is a proposal by BellSouth to amend its Federal Communications Commission ("FCC") wholesale tariff to offer Digital Subscriber Line ("DSL") service at more competitive rates, in lieu of filing a state DSL tariff, as ordered by the Commission on November 30, 2000. For the reasons set out herein, the Commission denies IgLou's motion.

Although IgLou now characterizes BellSouth's federal tariff revision proposal as "new evidence," the Commission views the proposal as a possible means to the same end it wished to achieve by way of its November 30, 2000 Order. Rehearing was

granted to consider whether FCC tariff modifications would be a sufficient vehicle to reach the mandated goal of fair rates and conditions based on Kentucky-based volumes of DSL traffic.

The Commission retains the right to prescribe reasonable utility rates following a hearing on the issues or to grant a rehearing on any of the issues. KRS 278.270 and KRS 278.400. Nothing in either statute precludes the Commission from considering a party's proposal to accomplish the required outcome through a different means than that originally ordered.

For the foregoing reasons, IgLou's motion to strike and suppress BellSouth's proposal for a federal tariff revision is denied. The November 30, 2000 Order remains in effect pending the resolution of the rehearing granted on January 11, 2001.

BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 7th day of February, 2001.

By the Commission

ATTEST:


Executive Director