

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION REGARDING COMPLIANCE OF)	
THE STATEMENT OF GENERALLY AVAILABLE)	
TERMS OF BELL SOUTH TELECOMMUNICATIONS,)	CASE NO.
INC. OF SECTION 251 AND 252(D) OF THE)	1998-00348
TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

On February 5, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed a revised Statement of Generally Available Terms and Conditions (SGAT) and requested formal approval of this document. Though BellSouth filed this document in Case No. 2001-00105,¹ BellSouth does not dispute its lack of relevance to the provisions of 47 U.S.C. § 271(c)(1)(A) pursuant to which it is seeking in-region interLATA authority.² Thus, the Commission addresses this motion for the approval of the revised SGAT in Case No. 1998-00348.

BellSouth asserts that it has modified its SGAT in accordance with the Commission s dictates in the August 21, 1998 Order in this proceeding. In that Order,

¹ Case No. 2001-00105, Investigation Concerning the Propriety of InterLATA Services for BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

² In its motion, BellSouth does not dispute the Commission s determination made in Case No. 1996-00608 (Investigation Concerning the Propriety of Provisions of IntraLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996) that the SGAT is not relevant to BellSouth s request for entry into the long-distance market. Since BellSouth has entered into interconnection agreements, those agreements and BellSouth s actual relationship with its competitive carriers are to be investigated in its request for this Commission s Advisory Opinion regarding in-region, interLATA entry.

the Commission mandated that absent the amendments described herein, the SGAT shall not be approved. However, if BellSouth submits a revised SGAT, which is in accordance with this Order, it shall be approved.³ BellSouth contends that it has now made each of the seven modifications the Commission required. No party has responded to BellSouth's motion for approval of its revised SGAT.

We turn to the seven modifications addressed by BellSouth. The Commission required that BellSouth include a sunset provision for joint marketing. As the sunset date has passed, this section of the SGAT has appropriately been removed.

BellSouth was ordered to take no responsibility in determining whether one of its customers has actually elected another local exchange carrier (LEC). BellSouth's proposed modification indicates that BellSouth will not require end-user confirmation prior to transferring an end-user's service. Though the Commission understands that BellSouth does not require any proof of authorization before a customer migrates, the Commission herein requires BellSouth to modify this language to state BellSouth will not require end-user confirmation for transferring an end-user's service. This will clarify that BellSouth will not confirm before or after migration occurs.

BellSouth has removed the \$19.41 unauthorized change charge and indicates that it no longer resolves slamming complaints. The responsible agency will determine whether and to what extent an unauthorized charge will be applied.

Next, BellSouth was ordered to revise its SGAT to include a provision for customers to migrate their directory listings as is. BellSouth indicates that when a

³ August 21, 1998 Order.

competitive LEC (CLEC) migrates service as is, the migrated service includes the end-user s directory listing service.

The Commission notes that the revised SGAT allows resale of Lifeline. The Commission approves this provision; in addition, by separate Order in Administrative Case No. 360⁴ the Commission will require other incumbent LECs also to resell Lifeline service.

BellSouth has modified its revised SGAT to comply with the Commission s requirements regarding terminating access charges. Such charges are to be at the CLEC s tariffed rate, rather than BellSouth s rate, if termination is to a CLEC customer.

The revised SGAT now includes a provision for reciprocal audits as required by the Commission.

BellSouth s revised SGAT provides unbundled network element combinations in compliance with the Commission s directives.

The Commission, having considered BellSouth s revisions to its SGAT, and having determined that these revisions comply with the August 21, 1998 Order, HEREBY ORDERS that:

1. BellSouth s revised SGAT is approved with the one modification noted herein.
2. Within 20 days of the date of this Order, BellSouth shall file its revised SGAT, with the one modification ordered herein, as a separate section of its tariff.

⁴ Administrative Case No. 360, An Inquiry Into Universal Service and Funding Issues.

Done at Frankfort, Kentucky, this 15th day of March, 2002.

By the Commission

ATTEST:


Executive Director