

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE)	
PROPRIETY OF INTERLATA SERVICES)	
BY BELL SOUTH TELECOMMUNICATIONS,)	CASE NO.
INC., PURSUANT TO THE)	2001-00105
TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

On February 8, 2002, AT&T Communications of the South Central States LLC, TGI Ohio Inc., WorldCom Inc., and Southeastern Competitive Carriers Association (Intervenors) filed a motion to establish a procedural schedule in this pending case. The Intervenors asked this Commission to hold additional proceedings prior to issuing an Advisory Opinion regarding the compliance of BellSouth Telecommunications, Inc. (BellSouth) with 47 U.S.C. § 271, the 14-point checklist. In support of their motion, the Intervenors assert that the Federal Communications Commission (FCC) has required additional information from BellSouth in five areas. Thus, according to the Intervenors, this Commission should not enter an Advisory Opinion without considering this new information that BellSouth has now filed with the FCC. The Intervenors allege that unless the Commission thoroughly reviews the new information, it cannot fulfill its advisory obligations to the FCC. On February 15, 2002, US LEC of Tennessee, Inc. (US LEC) filed a response in support of the Intervenors motion.

On February 21, 2002, BellSouth filed its response to the Intervenors motion. BellSouth asserts that this Commission has an extensive record upon which it can enter an Advisory Option to the FCC. Moreover, BellSouth contends that new information

was submitted in only five limited issues in its recently filed FCC application for in-region, interLATA authority in Georgia and Louisiana. This information has been provided to this Commission by BellSouth. BellSouth believes that it is unnecessary for the Commission to review this updated FCC filing, but it may choose to do so and may also choose to review comments filed by Intervenors at the FCC. BellSouth reiterates that the Commission has an extensive record that is adequate for it to advise the FCC.

The Commission finds that it should review additional information furnished by BellSouth to the FCC regarding those five issues. After all, these issues constituted the basis for BellSouth's withdrawal of its Georgia and Louisiana applications on December 20, 2001. However, the responses to the staff data request entered on February 25, 2002 will supply sufficient information for Commission review of these five items. Moreover, as provided in the staff data request, Intervenors are to file with this Commission comments they have made to the FCC together with any additional comments that they wish to make. This additional information will adequately apprise us of BellSouth's latest modifications. For the foregoing reasons, this proceeding will stand submitted to the Commission on March 6, 2002.

The Commission, having considered the Intervenors' motion and BellSouth's response thereto, and being otherwise sufficiently advised, HEREBY ORDERS that the motion of the Intervenors is granted only to the extent that, prior to issuing an Advisory Opinion in this matter, the Commission will review the responses to be received pursuant to the February 25, 2002 staff data request.

Done at Frankfort, Kentucky, this 6th day of March, 2002.

By the Commission

ATTEST:

Deputy W. H. Fowler
Executive Director