

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH TELECOMMUNICATIONS, ) CASE NO.  
INC. FOR PRESUMPTIVE VALIDITY OF TARIFF FILINGS ) 2002-00276

COMMISSION STAFF S DATA REQUEST

Pursuant to Administrative Regulation 807 KAR 5:001, BellSouth Telecommunications, Inc. ( BellSouth ) is requested to file with the Commission the original and ten copies of the following information, with a copy to all parties of record. The information requested herein is due within 30 days of receipt of this data request.

1. Has BellSouth applied for this same regulatory exemption in its other jurisdictions? Have any of these states approved presumptive validity of BellSouth s tariff filings? If so, provide the other states orders granting approval.
2. Is BellSouth aware of any states outside of its operating area that provide presumptive validity to incumbent local exchange carrier tariffs?
3. In the Commission s August 3, 2000 Order in Case No. 99-434,<sup>1</sup> the Commission denied presumptive validity for the retail and industrial categories of service. What regulatory changes or market condition changes have occurred since that time to alter the Commission s determination that presumptive validity of these tariffs is not in the public interest?

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<sup>1</sup> Case No. 99-434, Review of BellSouth Telecommunications, Inc. s Price Regulation Plan.

4. BellSouth's proposal appears to eliminate any possibility that the Commission may suspend a proposed tariff in the future for further investigation pursuant to KRS 278.190. Is this an accurate understanding of the proposal or are there certain circumstances under which the Commission could suspend a tariff for further review?

5. BellSouth is proposing presumptive validity for the following categories:
- a. Rate reductions with one calendar day's notice.
  - b. New service proposals with one calendar day's notice.
  - c. Additional options to existing services with one calendar day's notice.
  - d. Rate increases with 30 days' notice.
  - e. Changes to terms and conditions with 30 days' notice.

Define each of these five categories and give examples of each. Explain the difference between a new service proposal and an additional option to an existing service. Also explain the difference between a term and condition (requiring 30 days' notice) and an additional option to an existing service or a new service (requiring one calendar day's notice).

6. Explain one calendar day's notice and 30 days' notice. Would the one calendar day's notice provision mean that a tariff filed on Friday would be effective on Saturday, for example? For 30 days' notice, does BellSouth mean 30 calendar days' notice?

7. The Commission has required BellSouth's transition regulation plan to be tariffed. Supply the definition of each of the five categories of presumptive validity

referenced above as it would appear in BellSouth's tariff should your proposal be approved.

8. BellSouth asserts that presumptive validity of these tariffs is required by the competitive marketplace. If all CLECs must wait during a 30-day notice period for tariffs to be in effect, how is BellSouth competitively harmed by giving 30 days' notice?

9. BellSouth indicates that part of the rationale for presumptive validity of tariffs is competition with unregulated competitors. Who are these unregulated competitors? Can BellSouth quantify the harm to its market by these competitors?

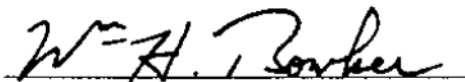
10. Does BellSouth agree that if Commission Staff contacted BellSouth during the one-day or thirty-day review time (depending on the category of the proposed tariff change) and requested additional time to review the tariff that BellSouth would grant such an informal request without placing the tariff in effect?

11. BellSouth proposes that its tariffs be valid and then if the Commission, upon review, decides to reject the tariff, that BellSouth would cease providing the new service. How does BellSouth respond to the allegation that it is very difficult to cease providing a service that customers have been receiving? Does this presumptive validity negate the Commission's ability to determine that a tariff proposal of BellSouth is not in the public interest?

12. BellSouth asserts that it will continue to offer the tariffed item, which became effective on presumptive validity, as long as the tariff is challenged. Does this include the time period of litigation even after the Commission may have rejected a tariff?

13. If this presumptive validity proposal is based on competition which BellSouth experiences, then why should the presumptive validity be effective on a statewide basis? Would it not be more appropriate to have presumptive validity available only in Louisville, where BellSouth experiences the majority of its competition?

14. Does BellSouth agree that its regulated competitors face the same level of Commission scrutiny regarding tariff proposals as does BellSouth?

*for*   
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DATED: August 14, 2002

cc: Parties of Record