

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

This matter arose on July 12, 2002, when BellSouth filed a petition for “presumptive validity” treatment of certain tariffs pursuant to KRS 278.512. On April 29, 2003, after receiving extensive comments and conducting a lengthy informal conference, the Commission entered an Order denying BellSouth’s petition, finding that the evidence did not demonstrate sufficient competition in BellSouth’s markets to replace the safeguards provided by full tariff review.

BellSouth filed a petition for reconsideration, asserting that information relied upon by the Commission regarding levels of competition faced by BellSouth was inaccurate. Moreover, BellSouth stated that “regardless of the aggregate market share of CLECs in Kentucky,” granting “presumptive validity” status to BellSouth tariffs would enhance competition and consumer welfare. BellSouth indicated in its petition that it wished to provide additional information regarding competition in its service areas in Kentucky.

On June 6, 2003, for the purpose of receiving this new information, the Commission granted rehearing. BellSouth and the intervenors were directed on July 23, 2003 to prefile testimony addressing specific points regarding market share

data and any information that would demonstrate a sufficient level of competition to justify granting the requested exemptions pursuant to KRS 278.512. On January 26, 2004, the Commission granted the requests of parties to delay the public hearing in this matter, having determined that BellSouth did not object. The Commission scheduled the hearing for September 15, 2004.

Many months have passed since the scheduling of this hearing. The Commission finds it appropriate to provide an opportunity for BellSouth and the intervenors to update their prefiled testimony and comments in this matter.

IT IS THEREFORE ORDERED that, by no later than 45 days from the date of this Order, BellSouth and intervenors shall update their testimony or provide any additional comments not already contained in the record.

Done at Frankfort, Kentucky, this 1st day of July, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director