

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF AGREEMENT BETWEEN)	CASE NO.
KENTUCKY ALLTEL, INC. AND SOUTHEAST)	2005-00088
TELEPHONE, INC.)	

O R D E R

By letter dated December 17, 2004, Kentucky ALLTEL, Inc. ("ALLTEL"), an incumbent local exchange carrier, submitted to the Commission a copy of a 2-year negotiated agreement with SouthEast Telephone, Inc. ("SouthEast"), a competitive local exchange carrier. According to ALLTEL, and substantiated by SouthEast, the agreement resolved all pending matters between the two carriers regarding the interconnection and provision of telecommunications services by SouthEast. Thus, they moved to dismiss litigation in federal court.¹ The litigation resulted from this Commission's consideration of a petition brought by SouthEast pursuant to 47 U.S.C. § 252(b)(1) for arbitration of open issues with ALLTEL.²

According to 47 U.S.C. § 252(e)(2), any interconnection agreement adopted by negotiation or arbitration shall be submitted to the Commission for approval. 47 U.S.C. § 252(e)(4) allows the Commission 90 days to review an agreement adopted

¹ Case No. 04-16-JMH, Eastern District of Kentucky.

² PSC Case No. 2003-00115, Petition of SouthEast Telephone, Inc. for Arbitration of Certain Terms and Conditions of the Proposed Agreement With Kentucky ALLTEL, Inc., Pursuant to the Communications Act of 1934, As Amended by the Telecommunications Act of 1996.

by negotiation between parties. The agreement between ALLTEL and SouthEast pertains to interconnection, resale, network elements, collocation, pricing, and many other items. These issues are specifically addressed in 47 U.S.C. § 251, which covers the obligations of ALLTEL as an incumbent local exchange carrier. The Commission has reviewed the agreement and finds that no portion of the agreement discriminates against a telecommunications carrier not a party to the agreement. The Commission also finds that the implementation of the agreement is consistent with the public interest, convenience, and necessity. Accordingly, as required by federal law, this Commission finds that the agreement should be approved. Moreover, pursuant to 47 U.S.C. § 252(h), the Commission will make a copy of this agreement available for public inspection within 10 days of the date of this Order.

IT IS THEREFORE ORDERED that:


1. The agreement between ALLTEL and SouthEast provided to the Commission by letter dated December 17, 2004 is hereby approved.
2. The agreement shall be made public by the Commission through posting of the agreement on the Commission's Web site within 10 days of the date of this Order.

Done at Frankfort, Kentucky, this 3rd day of March, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the text 'Executive Director'.

Executive Director