

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF BELL SOUTH)	
TELECOMMUNICATIONS, INC.'S)	CASE NO.
REGULATIONS REGARDING CHANGING)	2006-00063
CLASSIFICATION OF SERVICES)	

O R D E R

The Commission initiates this review of a tariff filed by BellSouth Telecommunications, Inc. ("BellSouth") to implement the Commission's decision allowing all incumbent local exchange carriers and competitive local exchange carriers to file tariff changes on 15 days' notice to the Commission instead of 30 days' notice.¹ One change filed by BellSouth, A36.1.3.A.1, concerns the Commission and is the subject of this proceeding.

BellSouth's tariff at Section A36 contains its Transition Regulation Plan approved by the Commission in 2004.² The tariff includes time frames in which BellSouth may file changes to its tariff for certain services. Some rate changes BellSouth may file on one day's notice and others on 30 days' notice. In response to the Commission's Order to review tariff changes on 15 days' notice, BellSouth changed all instances in A36 that referred to 30 days' notice to 15 days' notice.

¹ Case No. 2002-00276, Petition of BellSouth Telecommunications, Inc. For Presumptive Validity of Tariff Filings, Order entered April 28, 2005.

² Case No. 2003-00304, The Review of BellSouth Telecommunications, Inc.'s Price Regulation Plan, Order entered June 29, 2004.

However, A36.1.3.A.1, entitled "Regulations for Changing Classifications," described the process by which BellSouth may be permitted to reclassify a service from one regulatory type to another. The reclassification of a service may potentially change the pricing rules for that particular service and determine the tariff's prices and terms or conditions. BellSouth has altered this classification change from requiring 30 days' notice to requiring merely 15 days' notice. It was not the Commission's intent to alter the Transition Regulation Plan to the extent of permitting BellSouth to reclassify services on 15 days' notice. The decision to review tariffs on 15 days' notice was not intended to modify the Commission's determinations made in the Transition Regulation Plan proceeding of BellSouth except for the time frame in which tariff filings may be made.

The change made by BellSouth to A36.1.3.A.1 is a policy change in the way that BellSouth is regulated and, therefore, may only be accomplished through a petition filed pursuant to KRS 278.512. The regulation plan of BellSouth was developed in contested proceedings.³ Modification of the Commission's method of reviewing classifications of service and the manner in which those classifications are regulated may only be made through petition.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to review BellSouth's proposed change to A36.1.3.A.1, described herein.

³ Id. See also Case No. 1999-00434, The Review of BellSouth Telecommunications, Inc.'s Price Regulation Plan, Order entered August 3, 2000; and Case No. 1994-00121, Application of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company To Modify Its Method of Regulation, Order entered July 20, 1995.

2. Within 30 days of the date of this Order, BellSouth may petition this Commission for the changes proposed in this tariff, including arguments for altering the change of classification to 15 days.

3. Parties in Case No. 2003-00304 shall be served a copy of this Order.

Done at Frankfort, Kentucky, this 17th day of February, 2006.

By the Commission

ATTEST:



Executive Director