

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

PETITION OF BELL SOUTH	)	
TELECOMMUNICATIONS, INC. FOR THE	)	CASE NO.
ESTABLISHMENT OF A NEW PERFORMANCE	)	2004-00391
PLAN	)	

O R D E R

On June 9, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") petitioned the Commission for a waiver from having to pay a fine in the amount of \$35,200 to the Commonwealth of Kentucky for posting incorrect performance data under the Service Quality Measurement Plan ("SQM") for March 2009. AT&T Kentucky states that an error in the coding used to post information caused particular activity for the Service Order Accuracy measurement to be posted under resale disaggregation results when it should have been posted under unbundled network element disaggregation results. AT&T Kentucky states the coding used to calculate Self-Effectuating Enforcement Mechanism Plan ("SEEM") remedies was correct at all times and, therefore, all competitors received their appropriate SEEM payments. However, AT&T Kentucky states that, although it self-identified the posting errors for SQM data while validating performance information for March 2009, the SQM

Plan has a fine integrated within it that AT&T Kentucky is obligated to pay to the state commission, unless a waiver is granted. AT&T Kentucky argues that the fine of \$35,200 would be excessive, unduly punitive, and inconsistent with the SQM plan, as competitors were never harmed by the inaccurate posting and received their remedy payments on time.

The Commission finds that, prior to issuing a decision on the request for waiver, the parties to this proceeding should be given the opportunity to comment on AT&T Kentucky's request. Within 20 days of the date of this Order, parties may submit responses or comments to the petition. Within 10 days of submission of responses and comments, AT&T Kentucky may submit replies. At the conclusion of this procedural schedule, the Commission shall issue a decision, by separate Order, on AT&T Kentucky's petition for waiver.

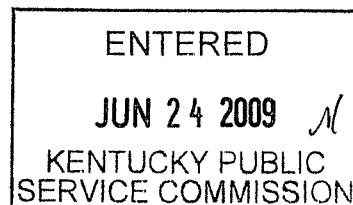
IT IS THEREFORE ORDERED that:

1. Parties shall have 20 days from the date of this Order to submit responses or comments to AT&T Kentucky's petition for waiver.
2. AT&T Kentucky shall have 10 days from the date of submission of any responses or comments to submit its replies.
3. At the conclusion of the schedule, the Commission shall issue a decision on the petition for waiver by separate Order.

By the Commission

ATTEST:

  
Executive Director



Case No. 2001-00105  
Case No. 2004-00391

Honorable William R Atkinson  
Attorney, State Regulatory  
Sprint Communications Company L.P. c/o Sprint  
4701 Mercantile Drive, North  
Fort Worth, TX 76137-3606

Honorable Eric N Ison  
Greenebaum Doll & McDonald PLLC  
3500 National City Tower  
101 South Fifth Street  
Louisville, KY 40202-3197

Honorable John E Selent  
Attorney at Law  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Honorable Susan J Berlin  
Secretary/Treasurer  
MCI WorldCom  
6 Concourse Parkway  
Suite 3200  
Atlanta, GA 30328

Honorable Mary K Keyer  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc. dba AT&T  
601 West Chestnut Street, Room 408  
Louisville, KY 40203

Tony Taylor  
BellSouth Telecommunications, Inc. dba AT&T  
601 West Chestnut Street, Room 408  
Louisville, KY 40203

Honorable Douglas F Brent  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

William J Maxwell  
President  
ICG Telecom Group, Inc. c/o Level 3  
1025 Eldorado Boulevard  
Broomfield, CO 80021

Honorable Katherine K Yunker  
Attorney At Law  
Yunker & Associates  
P. O. Box 21784  
Lexington, KY 40522-1784

Claire C Daly  
Director  
WorldCom Network Services, Inc. c/o MCI  
6 Concourse Parkway  
Suite 3200  
Atlanta, GA 30328

Donna McNulty  
MCI  
1203 Governors Square Boulevard  
Suite 201  
Tallahassee, FL 32301

Honorable C. Kent Hatfield  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

Honorable Pamela E Melton  
LCI International Telecom Corp. Qwest  
4250 N. Fairfax Drive  
13th. Floor  
Arlington, VA 22203

Jean Houck  
Regulatory  
ITC^ DeltaCom Communications, Inc.  
7037 Old Madison Pike  
Suite 400  
Huntsville, AL 35806

Honorable Wanda G Montano  
Vice President, Regulatory & Industry Affairs  
US LEC of North Carolina, LLC Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211

Honorable John N Hughes  
Attorney at Law  
124 West Todd Street  
Frankfort, KY 40601

Katherine T Mudge  
DIECA Communications, Inc. dba Covad  
7000 North MoPac Expressway  
Floor 2  
Austin, TX 78731