

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.

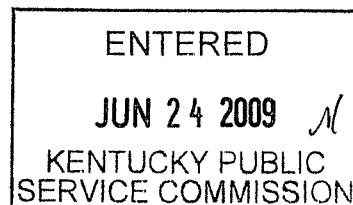
IT IS THEREFORE ORDERED that:

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

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