

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INTERCONNECTION AGREEMENT)	
BETWEEN AT&T KENTUCKY AND)	CASE NO.
CELLULAR SERVICES, LLC)	2016-00387

ORDER

On November 4, 2016, Cellular Services, LLC's ("Cellular Services") filed a motion with the Commission in which it moved the Commission for expedited approval of the adoption,¹ pursuant to 47 U.S.C. § 252 (e)(i), of the negotiated interconnection agreement between AT&T Kentucky and Peoples Telecom, LLC.² On November 7, 2016, Bellsouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky"), pursuant to 47 U.S.C. § 252(e)(1), submitted to the Commission a notice of Cellular Services' adoption of the agreement. The interconnection agreement was negotiated pursuant to 47 U.S.C. §§ 251 and 252 and became effective on October 6, 2016.

As grounds for its motion, Cellular Services states that absent affirmative Commission action, the adoption of the agreement becomes "approved" only by operation of federal law after the 90-day period prescribed in 47 U.S.C. § 252(e)(4). Accordingly, absent Commission action, the adoption of the agreement would not become effective until February 7, 2017. Cellular Services intends to operate using the

¹ The MFN Agreement between AT&T Kentucky and Cellular Services, LLC. PSC Reference No. 01003, accessible on the PSC Website at: http://162.114.3.165/PSCICA/0000/01003/01003-AI_110716.pdf.

² The Interconnection and/or Resale Agreement between AT&T Kentucky and Peoples Telecom, LLC PSC Reference No. 01166, accessible on the PSC Website at: http://162.114.3.165/PSCICA/0000/01166/01166-AM_070816.pdf.

adopted agreement as soon as possible and claims that further delay will impede its business plans. Cellular Services requests that the Commission issue an Order approving the adoption of the agreement and expediting Cellular Service's expansion in the Kentucky market.

The adoption of the agreement was negotiated pursuant to 47 U.S.C. §§ 251 and 252. 47 U.S.C. § 252(e) requires the parties to an interconnection agreement adopted by negotiation to submit the agreement to the Commission for approval. 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 adoption of the agreement is consistent with the public interest, convenience, and necessity.

There being no cause for delaying the adoption of the interconnection agreement, the Commission finds that Cellular Services' motion should be granted and the adoption of the Agreement should be approved.

IT IS THEREFORE ORDERED that:

1. Cellular Services' adoption of the agreement between AT&T Kentucky and Peoples Telecom, LLC is approved as of the date of this Order.
2. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED
DEC 05 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2016-00387

*Eileen M Bodamer
Bodamer Consulting, LLC
415 Hepplewhite Drive
Johns Creek, GEORGIA 30022

*Honorable Robert J Patton
Attorney at Law
Kinner & Patton Law Offices
328 East Court Street
Prestonsburg, KENTUCKY 41653

*Cellular Services, LLC
1621 KY Route 40W
P. O. Box 240
Staffordsville, KY 41256

*BellSouth Telecommunications, LLC dba AT&T
601 W Chestnut Street
4th Floor East
Louisville, KY 40203