COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL COMPETITION, AN APPROPRIATE COMPENSATION SCHEME FOR COMPLETION OF INTRALATA CALLS BY INTEREXCHANGE CARRIERS, AND WATS JURISDICTIONALITY	)))))	ADMINISTRATIVE CASE NO. 323 PHASE I

O R D E R

This matter arising upon motion filed August 2, 1989 by South Central Bell Telephone Company ("SCB") to compel AT&T Communications of the South Central States, Inc. ("AT&T") to provide complete responses to SCB's First Data Request Items 7, 28, and 29, and it appearing to this Commission as follows:

On March 27, 1989, SCB served its First Data Request upon each of the parties to this proceeding. The request included 35 separate items directed to AT&T. On May 16, 1989, AT&T filed its responses to the data requests. In responding to some of the data requests, AT&T answered in broad, general terms and did not provide the specific information requested. The Commission on June 30, 1989, pursuant to a motion by SCB, directed AT&T to provide the specific information required by the data request. Included in the Order were Items 7, 28, and 29.

On July 17, 1989, AT&T filed a Supplemental Response to SCB's First Data Request including responses to Items 7, 28, and 29. On August 2, 1989, SCB again moved to compel AT&T to provide more

complete responses to Items 7, 28, and 29 on the grounds that the supplemental response still failed to provide the information requested.

Item 7 asks whether AT&T has paid any local exchange carrier compensation for unauthorized carriage of intraLATA traffic. In response, AT&T states that it has paid only access charges for all the traffic it has carried. This response furnishes the information requested and the motion to compel further response should be denied. If SCB desires further information concerning this matter, it may seek additional discovery through supplemental data requests in accordance with the established procedural schedule.

Data request Items 28 and 29 relate to a settlement proposal made by a coalition of local exchange companies and interexchange carriers who are parties to this proceeding. As a proponent of the settlement proposal, AT&T was requested in Items 28 and 29 to state whether the proposal is intended to permit interexchange carriers to construct transport facilities to carry local and intraLATA calls if Phase I of Appendix C of the proposal is implemented. In responding to the requests, AT&T states that the authority of interexchange carriers to construct such facilities would remain the same whether or not Phase I of Appendix C of the motion is implemented. In its response to the motion to compel, AT&T further states that any answer beyond its original response calls for a legal opinion which it should not be compelled to render.

The information furnished by AT&T is not responsive to the request. SCB is simply asking whether AT&T, in making the proposal, intended to allow interexchange carriers to construct transport facilities to carry local and intraLATA calls if Phase I of Appendix C of the motion was implemented. As a proponent of the settlement, AT&T is presumed to be aware of what the settlement is intended to allow, and it should furnish that information in response to the request.

And this Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The motion by SCB to compel AT&T to provide a more complete response to SCB's First Data Request Item 7 is denied.

2. The motion by SCB to compel AT&T to provide a more complete response to SCB's First Data Request Items 28 and 29 is hereby sustained. AT&T is directed to furnish such response within 5 working days from the date of this order.

Done at Frankfort, Kentucky, this 31st day of August, 1989.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

ATTEST:

Executive Director

Commissioner