

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE LIGHTWAVE)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT FACILITIES AND)
PROVIDE INTRASTATE TELECOMMUNICATIONS) CASE NO. 95-047
SERVICES)

O R D E R

On September 13, 1995, the Commission granted Louisville Lightwave authority to provide intrastate interexchange non-switched telecommunications services, but prohibited Louisville Lightwave from offering any services that originate and terminate within an exchange or local calling area.

On February 16, 1996, Louisville Lightwave filed a petition requesting to amend its authority to allow it to provide traffic within an exchange or local calling area. In its petition, Louisville Lightwave cites specific sections of the federal Telecommunications Act of 1996. It contends that the prohibition from facilitating in whole or in part any telecommunications services that originate and terminate within an exchange or local calling area violates Section 253(a) of the Telecommunications Act of 1996. This section states:

"No State or local statute or regulation, or other State or local legal requirement may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications services."


The Commission is currently reviewing all regulations or requirements which are barred by this section in Administrative Case No. 355.¹ Louisville Lightwave is a party to this proceeding, and the public hearings are scheduled to begin March 25, 1996.


Because issues related to Louisville Lightwave's request involve virtually all telecommunications providers in Kentucky, the Commission will hold Louisville Lightwave's request in abeyance pending its decision in Administrative Case No. 355. The provision of dedicated services is linked to the advancement of universal service and insuring the continued quality of telecommunications services. Until the Commission can resolve these connected issues, it would be inappropriate to permit Louisville Lightwave the relief requested.

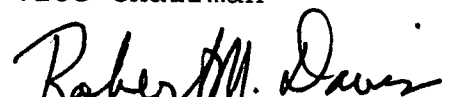
IT IS THEREFORE ORDERED that Louisville Lightwave's petition for authority to provide non-switched intrastate telecommunications services within an exchange or local calling area shall be held in abeyance and addressed in Administrative Case No. 355.

Done at Frankfort, Kentucky, this 22nd day of March, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

¹ Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service, and the Non-Traffic Sensitive Access Rate.