

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) CASE NO. 95-047
PROVIDE INTRASTATE TELECOMMUNICATIONS)
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 a local calling area.

On February 16, 1996, Louisville Lightwave filed a petition requesting the Commission amend its authority to allow it to provide traffic within an exchange or local calling area. On March 22, 1996, the Commission denied this petition asserting that Louisville Lightwave's request involves virtually all telecommunication providers in Kentucky and that the provision of dedicated services is linked to the advancement of universal service. Thus, the Commission held in abeyance Louisville Lightwave's petition for authority to provide non-switched intrastate telecommunications services within an

exchange or local calling area. These matters will be addressed in the Commission's local competition docket.¹

On April 16, 1996, Louisville Lightwave petitioned for reconsideration. Louisville Lightwave argues that the connection between a provision of dedicated services and the advancement of universal service is "negligible at best."² Louisville Lightwave argues in the alternative that there are "less draconian"³ methods to comply with the Commission's goal of protecting universal service. The utility proposes that competitive carriers post a bond to be available for future universal service obligations or that the Commission impose an accounting order that would permit calculation of universal service payments on a retroactive basis back to the date of certification. These alternative methods are not explained in sufficient detail to permit the Commission to consider them. Accordingly, Louisville Lightwave shall provide a detailed proposal of these alternative methods.

The Commission, having reviewed Louisville Lightwave's petition for reconsideration, and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Within 20 days of the date of this Order, Louisville Lightwave shall provide a detailed description of its alternative methods.

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

² The Petition For Reconsideration of Louisville Lightwave at 1.

³ The Petition For Reconsideration of Louisville Lightwave at 2.


2. If Louisville Lightwave does not file such descriptions within the specified time, this matter will stand submitted to the Commission for final decision.

Done at Frankfort, Kentucky, this 14th day of June, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director