

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE)
PROPRIETY OF PROVISION OF INTERLATA)
SERVICES BY BELL SOUTH TELECOMMUNI-) CASE NO. 96-608
CATIONS, INC. PURSUANT TO THE)
TELECOMMUNICATIONS ACT OF 1996)

O R D E R

On August 19, 1997, AT&T Communications of the South Central States, Inc. ("AT&T") filed an objection to an Operations Support System ("OSS") demonstration proposed to be presented by BellSouth Telecommunications, Inc. ("BellSouth") on August 22, 1997, at its office at 1535 Twilight Trail in Frankfort, Kentucky. BellSouth notified the parties and the Commission of the presentation by letter dated August 12, 1997. AT&T objects to the presentation because, inter alia, (a) the parties have had inadequate notice and would have difficulty attending; (b) the presentation should be made at the hearing in this case to be held next week; (c) the parties should have an adequate opportunity to test, explain, or refute the OSS demonstration; and (d) the demonstration will consist of evidence presented to the Commission that will not be part of the record of the proceeding upon which the decision must be made.

BellSouth, in its response to AT&T's objection, argues, inter alia, that the demonstration is in the nature of an informal conference and that its purpose is simply to enhance the Commission's understanding of BellSouth's OSS. BellSouth notes that Commissioners and Staff may tour facilities of regulated carriers for such purposes, and that no due process rights are thereby implicated. It also states it is willing to conduct


the demonstration in the context of the hearing and on the record. However, due to the lack of proper facilities at the Commission's offices, BellSouth suggests that the Commission adjourn and reconvene the hearing at the BellSouth Twilight Trail office.

The Commission finds that the demonstration is not comparable to an informal conference because, under the circumstances, evidence will be given at the demonstration that will not be available at hearing. Due process concerns are implicated in that such evidence will be neither sworn nor on the record, and may well have bearing on the Commission's eventual decision in this matter. It is likely that the demonstration will, as BellSouth states, enhance the Commission's understanding of BellSouth's OSS; nevertheless, such enhancement should be provided by means of sworn testimony on the record in the presence of other parties to the proceeding, who may also wish to enhance the Commission's understanding on the subject.

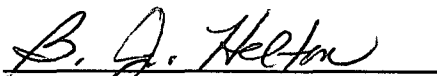
Accordingly, IT IS HEREBY ORDERED that AT&T's objection to BellSouth's proposed off-the-record demonstration is sustained, and that BellSouth may move the Commission, at the hearing to begin August 25, 1997, to adjourn the proceedings and to reconvene at BellSouth's Twilight Trail office for the proposed OSS demonstration.

Done at Frankfort, Kentucky, this 21st day of August, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director