

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 97-521
)	
BELLSOUTH TELECOMMUNICATIONS,)	
INC.)	
)	
DEFENDANT)	

ORDER

On April 8, 1998, the Commission entered its Order denying the motion of BellSouth Telecommunications, Inc. ("BellSouth") to dismiss the Complaint filed against it by AT&T Communications of the South Central States, Inc. ("AT&T"). The Commission further ordered BellSouth to satisfy or answer the Complaint within ten days of the date of its Order. On April 20, BellSouth filed a motion for reconsideration, continuing to argue that alternative dispute resolution is AT&T's exclusive remedy under the parties' interconnection agreement. BellSouth does not seem to dispute that this Commission has authority to enforce interconnection agreements it has approved. However, it contends that the Commission should exercise this authority through enforcement of the alternative dispute resolution provisions of the agreement.

The Commission has every intention of enforcing the parties' alternative dispute provisions where appropriate. Disputes in regard to the myriads of details involved in the implementation of so complex an agreement are appropriately resolved through

arbitration conducted within the framework of applicable law and Commission Orders. However, the parties' alternative dispute provisions do not prohibit this Commission, as a regulatory body, from exercising jurisdiction over the issues presented here. The Commission will not defer to an arbitrator the issue of whether its own Orders will be enforced, and violation of those Orders is precisely what AT&T alleges. AT&T's allegations are serious ones which require immediate attention, and they implicate concerns which go far beyond the private interests of the two parties to this particular contract. Accordingly, BellSouth's motion should be denied, and BellSouth should satisfy or answer the Complaint without further pleadings on the issue of dismissal. If the Complainant is not satisfied within ten days of the date of this Order, the parties should then submit proposed procedural schedules so that this matter may be heard and resolved expeditiously.

IT IS THEREFORE ORDERED that:

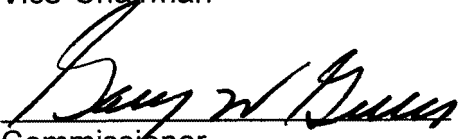
1. BellSouth's motion for reconsideration is denied.
2. BellSouth shall satisfy or answer the Complaint within 10 days of the date of this Order.
3. If BellSouth has not resolved the issues raised in the Complaint to the satisfaction of AT&T within 10 days of the date of this Order, the parties shall submit proposed procedural schedules within 20 days of the date of this Order.

Done at Frankfort, Kentucky, this 6th day of May, 1998.

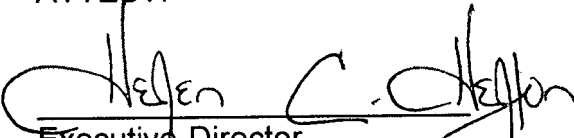
PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director