

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

BellSouth Telecommunications, Inc. ("BellSouth") has filed in this docket a notice withdrawing its statement of its advance notice of intention to file with the Federal Communications Commission ("FCC") an application for authority to provide in-region, interLATA service in Kentucky.<sup>1</sup> BellSouth requests that the Commission take no further action in this docket, as the current record does not reflect updates to BellSouth's systems.

AT&T Communications of the South Central States, Inc. ("AT&T") has filed a response, objecting to the suggestion that the Commission should "turn its back on the more than two years of proceedings" in this docket. AT&T requests that the

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<sup>1</sup> In this motion, BellSouth also states it is "voluntarily dismissing without prejudice its Statement of Generally Available Terms and Conditions." That document, however, was reviewed in Case No. 98-348, Investigation Regarding Compliance of the Statement of Generally Available Terms of BellSouth Telecommunications, Inc. With Section 251 and Section 252(d) of the Telecommunications Act of 1996. The docket is closed, the Commission's final Order in the matter having been issued on August 21, 1998. Accordingly, to the extent that BellSouth's "notice" on this issue can be considered a motion, that motion is moot. BellSouth states it will submit another SGAT with new supporting evidence enabling the Commission to focus on current information when BellSouth files with the FCC. However, the Commission reminds BellSouth that, pursuant to Section 271 of the Telecommunications Act, its SGAT is of little, if any, relevance to its Section 271 application in Kentucky. It must demonstrate that it is providing nondiscriminatory access pursuant to actual agreements.

Commission issue an Order providing analysis and guidance to the parties based on the evidence received to date. AT&T also points out that the record in this docket is relevant to Telecommunications Act of 1996 (the "Act") issues other than Section 271 authority to provide interLATA service. The record also is relevant to whether BellSouth has opened its local exchange markets to competition.

To the extent that BellSouth's filing can be considered a motion to close this docket, it should be denied. The docket was opened on the Commission's own motion rather than in response to a petition from BellSouth. It is not subject to unilateral dismissal by BellSouth. The docket will remain open to receive updates, as necessary, to information relevant to BellSouth's compliance with the fourteen-point checklist found at Section 271 of the Act. In addition, the Commission will issue findings based on the current record to guide the parties in future proceedings.

The Commission having been sufficiently advised, IT IS HEREBY ORDERED that:

1. BellSouth's motion that the Commission take no further action in this docket is denied.
2. BellSouth shall continue to file in this docket updated information relevant to its compliance with the fourteen-point competitive checklist found at 47 U.S.C. § 271.

Done at Frankfort, Kentucky, this 3<sup>rd</sup> day of June, 1999.

By the Commission

ATTEST:

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Executive Director