

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF THE	)	
INTERCONNECTION AGREEMENT BETWEEN	)	
BELLSOUTH TELECOMMUNICATIONS, INC. AND	)	CASE NO.
GLOBAL NAPS SOUTH, INC. PURSUANT TO	)	99-043
SECTION 252(b) OF THE TELECOMMUNICATIONS	)	
ACT OF 1996	)	

O R D E R

On February 3, 1999, BellSouth Telecommunications, Inc. ( BellSouth ) and Global NAPs South, Inc. ( Global NAPs ) submitted a negotiated agreement for the interconnection of their networks, the unbundling of specific network elements, and the resale of BellSouth Telecommunications Services to Global NAPs. Global NAPs sought to adopt DeltaCom's agreement. This negotiated agreement was approved by the Commission on March 30, 1999.

On August 27, 1999, BellSouth submitted a petition for arbitration of the interconnection agreement between itself and Global NAPs. The issues for which BellSouth sought arbitration were: (1) appropriate rates for access to unbundled network elements including OSS functions; (2) the appropriate rate structure and rates for parties to bill reciprocal compensation for termination of local traffic; (3) whether BellSouth would be required to deliver its traffic to be terminated on Global NAPs network to Global NAPs or establish a BellSouth point of presence and interface; and (4) specific collocation issues. In this petition, BellSouth asserted that the Commission must rule on this matter by December 19, 1999.

On September 21, 1999, Global NAPs filed its response to BellSouth's petition and its motion to dismiss. Global NAPs asserted that it does not provide service in Kentucky and has no plans to do so. Thus, according to Global NAPs there is no controversy in Kentucky between the two parties. By letter dated October 1, 1999, the parties requested that the Commission hold the petition for arbitration in abeyance pending further discussions by the parties.

On December 14, 1999, the parties filed a joint motion for dismissal. The joint motion indicates that BellSouth believed that Global NAPs was providing service in Kentucky and that there was a need to resolve the issues. Since Global NAPs is not currently doing business in Kentucky and will not for at least the next nine months, the parties agreed that this matter may be dismissed. Global NAPs has agreed that prior to serving in Kentucky, it will either request negotiations from BellSouth for a new interconnection agreement or petition the Commission to determine whether its current adoption agreement remains in effect.

The Commission, having considered the joint motion of BellSouth and Global NAPs, and having been otherwise sufficiently advised, HEREBY ORDERS that this petition for arbitration is dismissed.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of December, 1999.

By the Commission

ATTEST:

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Executive Director