

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF AN AGREEMENT)
BETWEEN GTE SOUTH INCORPORATED) CASE NO. 99-489
AND NEXTEL PARTNERS)
PURSUANT TO 47 U.S.C. 252(i))

O R D E R

On October 12, 1999, GTE South Incorporated ("GTE") and Nextel Partners submitted to the Commission their negotiated agreement for the interconnection of their networks. Nextel Partners is purporting to adopt the interconnection agreement between GTE and Nextel West Corp. ("Nextel West"), which was approved by the Commission in Case No. 98-622.¹ The adoption letter (which appears to comprise the only document memorializing the parties' principal agreement) was negotiated pursuant to the Telecommunications Act of 1996 (1996 Act), 47 U.S.C. Sections 251 and 252. Section 252(e) of the 1996 Act requires the parties to an interconnection agreement adopted by negotiation to submit the agreement for approval to the Commission.

The Commission has reviewed the agreement and finds that no portion thereof discriminates against a telecommunications carrier not a party to the agreement. The Commission is hesitant, however, to find that the implementation of the agreement is

¹ Case No. 98-622, Approval of the Interconnection Agreement Negotiated by GTE South Incorporated and Nextel West Corp. Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996. (Order dated February 16, 1999).

consistent with the public interest, convenience, and necessity without informing Nextel Partners that it is entitled to adopt the Nextel West agreement in its entirety.

Nextel Partners must comply with all relevant Commission mandates for serving in this Commonwealth.

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that:

1. Subject to Nextel Partners' notification to the Commission within 10 days of the date of this Order that it desires to exercise its legal right to revoke this agreement and adopt the entire Nextel West agreement, this agreement negotiated between GTE and Nextel Partners is approved.

2. Nextel Partners shall file a tariff for local service prior to providing local service giving 30 days' notice to the Commission and shall comply with all Commission regulations and orders as directed.

Done at Frankfort, Kentucky, this 14th day of December, 1999.

By the Commission

ATTEST:

Executive Director