

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A PETITION BY ICG TELECOM GROUP, INC.	)	
FOR ARBITRATION OF AN INTERCONNECTION	)	
AGREEMENT WITH BELLSOUTH	)	CASE NO.
TELECOMMUNICATIONS, INC. PURSUANT TO	)	99-218
SECTION 252(b) OF THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	

O R D E R

On March 2, 2000, the Commission entered an Order regarding this arbitration proceeding between ICG Telecom Group, Inc. ("ICG") and BellSouth Telecommunications, Inc. ("BellSouth"). Most issues were resolved by that Order but there are certain issues regarding which the parties were to submit additional information. Both parties have filed comments.

One such issue was the manner in which the parties would track the minutes of use for ISP-bound calls. This tracking will enable the parties to "true-up" the compensation consistent with the FCC's decision. The Commission has been advised that the parties have, after further negotiations, reached a region-wide agreement on reciprocal compensation for ISP-bound traffic. Accordingly, the requirement for developing a true-up mechanism is moot.

BellSouth was also ordered to file information regarding a reasonable cost-based fee for combining elements requested by ICG which are not currently combined in the BellSouth network. The Commission ordered this combining fee to be applicable to requests for enhanced extended links ("EELs"). The EEL must be available to ICG for the sum of the established total element long run incremental cost ("TELRIC") rates for

an unbundled loop, a cross connect of appropriate capacity, and unbundled inter office dedicated transport. The parties have also reached agreement on pricing issues for EELs including the combining fee. Thus, it is unnecessary for the Commission to take further action on these rates at this time.

The parties were also ordered to include in their agreement a binding forecast provision regarding the delivery of traffic over end office trunks to ICG's switch. This is the only issue not resolved by the parties. ICG and BellSouth have requested the Commission to draft the contract language based on the parties' separate proposals. The Commission believes that the language contained below is the appropriate language to be included in the parties' agreement.

3.6.5 Binding forecast:

3.6.5.1 In addition to, and not in lieu of, non-binding forecasts, ICG may provide to BellSouth a binding forecast of the trunks and trunk ports that BellSouth will need to interconnect with ICG in order to terminate traffic to ICG. The due date contained in the binding forecast shall be no less than three months from the date of the binding forecast.

3.6.5.2 BellSouth shall order the quantity of trunks for ICG set forth in the binding forecast. BellSouth shall request due dates on the trunk orders to coincide with the due dates specified in the binding forecast, and the Parties shall provision the ordered trunks by the due dates.

- 3.6.5.3 BellSouth may charge ICG when the capacity specified in the binding forecast remains unused and there is no customer available to purchase the unused capacity.
- 3.6.5.4 For the Binding Forecast specified in this section, in the event that ICG is unable to fill the capacity it requested, BellSouth shall mitigate any capacity shortfalls by offsetting the amount due from ICG if BellSouth uses capacity for itself or another customer.
- 3.6.5.5 Any trunks installed as a result of the binding forecast, must remain in service for a period of at least 180 days.
- 3.6.5.6 The Parties agree that each forecast provided under this section shall be deemed "Proprietary Information" under Section 9 of the General Terms and Conditions of this Agreement.

Having reviewed the parties' filings and having otherwise been sufficiently advised, the Commission HEREBY ORDERS that, within 20 days of the date of this Order, ICG and BellSouth shall submit their signed interconnection agreement complying with the mandates contained herein and in the March 2, 2000 Order.

Done at Frankfort, Kentucky, this 27<sup>th</sup> day of November, 2000.

By the Commission

ATTEST:

  
Executive Director