

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF PILGRIM TELEPHONE, INC.)	
FOR ARBITRATION WITH BELLSOUTH)	CASE NO.
TELECOMMUNICATIONS, INC. PURSUANT TO)	2000-449
SECTION 252(b) OF THE COMMUNICATIONS)	
ACT OF 1996)	

O R D E R

On June 1, 2001, Pilgrim Telephone, Inc. ("Pilgrim") filed a motion to clarify the January 12, 2001 Order in its arbitration proceeding with BellSouth Telecommunications, Inc. ("BellSouth"). On June 12, 2001, BellSouth responded.

In the January 12, 2001 Order, the Commission addressed each of Pilgrim's four requests for arbitration. The Commission found that billing and collection does not meet the statutory requirement of an unbundled network element ("UNE") and that, therefore, BellSouth did not have to provide the service as requested by Pilgrim. However, the Commission went on to decide that Pilgrim may obtain billing and collection as a complete service by entering a contract or purchasing from BellSouth's billing and collection tariff. The Commission also ordered BellSouth to grant Pilgrim access as a competitive local exchange carrier ("CLEC") to all of the operational support systems ("OSS") functions provided by BellSouth to all CLECs. Pilgrim had requested access to the billing name and address ("BNA") associated with 900 service only. The Commission found that access to the BNA is permitted only when the customer has consented to such access and that BellSouth was not required to provide unique access

to portions of data bases which are not otherwise separately available. Finally, the Commission reiterated that Pilgrim may have access to BellSouth's OSS functions on the same terms and conditions that BellSouth makes them available to all carriers.

In its motion for clarification, Pilgrim seeks clarification of the Commission's intent regarding the terms under which Pilgrim may be served under BellSouth's tariff and regarding the imposition of content restrictions in the tariff. Pilgrim also asks the Commission to clarify the way in which BellSouth must provide service under its billing and collection contract.

Pilgrim requests clarification of the second ordering paragraph of the January 12, 2001 Order which states:

If Pilgrim will agree to the terms and conditions offered by BellSouth in this case, BellSouth shall provide billing and collection as a complete service to Pilgrim through a billing and collection contract or its billing and collection tariff on the same terms and conditions that BellSouth has previously provided these services to other carriers, except that BellSouth shall waive its start-up fees to Pilgrim.

Pilgrim asserts that this language grants its request and contains no content restrictions for in-state service. BellSouth responds that the Order to offer the terms and conditions "in this case" amounts to Commission approval of content based restrictions for in-state service.

The January 12, 2001 Order resolved the issues between the parties. There the Commission ordered BellSouth to waive the start-up fees and begin billing for services which meet its terms and conditions. To date this has not happened. Pilgrim offers some services that BellSouth has agreed to bill and this billing arrangement should be immediately implemented. The parties have presented no new evidence; nor have they presented any arguments not previously considered by the Commission. The

January 12, 2001 Order speaks for itself. Accordingly, the Commission declines to address the motion for rehearing.

The Commission, having considered Pilgrim's motion for clarification and BellSouth's response thereto, HEREBY ORDERS that the motion is denied. Both parties shall comply with the January 12, 2001 Order.

Done at Frankfort, Kentucky, this 28th day of August, 2001.

By the Commission

ATTEST:


Executive Director