

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY SOUTHEAST TELEPHONE, INC.,)	
FOR ARBITRATION OF CERTAIN TERMS AND)	CASE NO.
CONDITIONS OF A PROPOSED AGREEMENT)	2001-045
WITH BELL SOUTH TELECOMMUNICATIONS INC.)	
PURSUANT TO 47 U.S.C. § 252)	

ORDER

On June 29, 2001, the Commission issued an Order resolving several disputed issues in regard to the interconnection agreement between SouthEast Telephone, Inc. ("SouthEast") and BellSouth Telecommunications, Inc. ("BellSouth"). BellSouth has filed a motion for reconsideration of the Commission's decisions with regard to the issues of local number portability and DSL service. As BellSouth offers nothing new, reconsideration is denied.¹ However, one clarification is necessary.

BellSouth argues that the Commission has no authority to require that BellSouth continue to provide SouthEast local number portability via remote call forwarding, an interim method, in view of an FCC ruling requiring provision of permanent number portability solutions. BellSouth notified SouthEast in September 1999 that permanent number portability is available, but BellSouth has agreed to allow SouthEast to continue to use remote call forwarding on existing customer accounts until now.

¹ BellSouth attempts to argue the economic impact of the decision even though it was initially ordered to provide cost support and relevant cost studies for each service subject to arbitration and did not do so. See, Commission's Order of March 26, 2001, Ordering Paragraph 2.

The Commission determined in this case that requiring Southeast to upgrade its equipment to convert to permanent number portability would be cost prohibitive, retarding Southeast's ability to provide facilities-based telecommunications services. Accordingly, such a requirement would create a barrier to competition, contrary to the purpose of the provision as described in the FCC's Notice of Proposed Rulemaking. BellSouth also argues, in its motion and in its post-hearing brief at pages 8-9, that the continuation of the interim method of local number portability may become available to all CLECs in Kentucky under the "pick and choose" rule found in Section 252 (i) of the Act. In order to mitigate such problems, we clarify herein that the 24-month extension we have granted ends on a date certain – 24 months from the date of our June 29, 2001 Order -- and that the parties' agreement should reflect this date. Given this clarification, it is unlikely that any problem caused by the "pick and choose" rule will be severe. Any CLEC that chooses to adopt this provision in its interconnection agreement will, likewise, be bound by that ending date.

The Commission, having considered BellSouth's motion and SouthEast's response thereto, HEREBY ORDERS that:

1. The Commission's June 29, 2001 Order is clarified as described herein, and it is specifically ordered that BellSouth's obligation to provide local number portability to SouthEast via remote call forwarding will end on June 29, 2003.
2. BellSouth's motion for reconsideration is denied.

Done at Frankfort, Kentucky, this 6th day of August, 2001.

By the Commission

CONCURRING OPINION OF VICE CHAIRMAN GARY W. GILLIS

In regard to the digital subscriber line issue, I concur only in the result of this decision, and solely on the basis that BellSouth has presented no new matter in its motion.


Gary W. Gillis
Vice Chairman
Kentucky Public Service Commission

ATTEST:


Executive Director