

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		

O R D E R

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 filed a motion for reconsideration of two of the issues and, on August 6, 2001, the Commission denied reconsideration and clarified one issue. The parties were ordered to submit to the Commission a copy of their executed interconnection agreement complying with all Commission decisions. To date, this has not occurred.

Two matters are pending Commission review. First, BellSouth has filed a motion for extension of time in which to submit its intrastate DSL tariff. SouthEast opposes the motion. Second, SouthEast has filed a motion for clarification and BellSouth opposes SouthEast's motion.

BellSouth asserts that it needs 60 additional days in which to prepare and file its intrastate DSL tariff ordered by the Commission. BellSouth asserts this additional time is necessary to complete its cost support, tariff pages, and the service-specific network architecture related to ordering, provisioning, billing and maintenance issues.

SouthEast, on the other hand, contends that BellSouth has already had adequate time and adequate notice to complete these processes. SouthEast asserts that BellSouth's delays in filing the tariff cause competitive injury.

The Commission finds that BellSouth should be given additional time to prepare and file its intrastate DSL tariff. Although BellSouth requests an additional 60 days from August 27, 2001, the Commission decision is to allow BellSouth until October 1, 2001 to file the intrastate DSL tariff. This date is 54 days from the date of the Rehearing Order of August 6, 2001 and 71 days from the date originally ordered by the Commission. Accordingly, BellSouth shall file an instate DSL tariff by no later than October 1, 2001.

SouthEast's motion for clarification concerns the applicability of the secondary service charge ("SSC"). In the arbitration proceeding, SouthEast asserted that the SSC and the electronic and manual local service request ("LSR") charges were unjust, unreasonable, discriminatory, anti-competitive, and duplicative. BellSouth contended that the charges were distinct and were reasonable. The Commission held in its June 29, 2001 Order that the LSR charge was to recover the cost of updating and improving the operation support systems ("OSS") while the SSC charge is to recover administrative processing charges for changes to existing accounts. The Commission determined that:

BellSouth should impose these charges upon SouthEast and its customers in exactly the same manner and under exactly the same circumstances applicable to charges imposed upon its own customers. If BellSouth waives the charge for its own customer, BellSouth must waive it for SouthEast. Moreover, the SSC charge should not be assessed when a CLEC initiates service for a customer that moves from one service provider to another, as other service and installations charges currently apply.

SouthEast asserts that BellSouth incorrectly interprets the Commission Order in taking the position that it may assess both the SSC and the LSR charge when a CLEC initiates service for a customer that moves from one provider to another. SouthEast, on the other hand, believes this contradicts the Commission's findings in its arbitration proceeding. The Commission determined, according to SouthEast, that BellSouth may not assess the SSC when a BellSouth customer transfers to SouthEast and when BellSouth has assessed the LSR charge. The Commission agrees. Thus, when BellSouth assesses the LSR charge, it may not also assess the SSC when a BellSouth customer transfers to SouthEast. Moreover, the Commission finds that the parties' agreement must include the language proposed by SouthEast related to this matter.

The Commission, having considered the motions and responses thereto, and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. BellSouth is granted an extension of time to October 1, 2001 to file its intrastate DSL tariff.
2. BellSouth shall not assess the SSC when a BellSouth customer transfers to SouthEast and when BellSouth has assessed the LSR charge.
3. SouthEast and BellSouth shall utilize SouthEast's language regarding the assessment of the SSC and the LSR charges in their agreement.

4. The parties shall submit an executed interconnection agreement reflecting all decisions made by the Commission in this proceeding no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 19th day of September, 2001.

By the Commission

ATTEST:


Executive Director