

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COMPUTER INNOVATIONS)	
)	
COMPLAINANT)	
)	CASE NO.
VS.)	2001-00068
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

Computer Innovations, LLC (Computer Innovations), an Internet service provider, has formally complained that BellSouth Telecommunications, Inc. (BellSouth) is charging noncompetitive rates on primary rate interface (PRI) service and basic rate interface (BRI) service in Richmond, Kentucky. Computer Innovations also alleges that BellSouth would not offer PRI service in Richmond, Kentucky, though it was available, causing Computer Innovations to obtain more expensive BRI lines. Finally, Computer Innovations alleges that BellSouth unfairly charges pre-subscribed inter-exchange carrier charges (PICC) on inward only lines. Both parties agree that a public hearing is not warranted.

The focus of this complaint is Computer Innovations allegation that its rate for PRI service should be identical to the rate BellSouth offered to similarly situated customers such as Hopkinsville Electric. The rate BellSouth offered to Hopkinsville Electric is \$650 per month. In fact, at one point during the pendency of this proceeding,

BellSouth offered as a settlement the rates it made available to Hopkinsville Electric.¹ Computer Innovations refused to settle the case asking instead that the Commission abolish contract service arrangements and require BellSouth to offer PRI service only through generally available tariffs. Computer Innovations contends that only through generally available tariffs will every customer be treated equally.

The Commission considers the offer made by BellSouth for PRI service at the same rates made available to Hopkinsville Electric to be a fair resolution of this proceeding. In fact, we are surprised that Computer Innovations did not accept this offer when it was made.² Computer Innovations and Hopkinsville Electric appear to be similarly situated, and BellSouth does not dispute that Computer Innovations received competitive offers for PRI service. Thus, BellSouth shall make PRI service available to Computer Innovations at a price no greater than \$650 per month to be effective as of the date Computer Innovations had PRIs installed.

Computer Innovations has put forth insufficient information to enable the Commission to find that BellSouth did not offer PRI service in Richmond, Kentucky, though it was available, causing Computer Innovations to obtain more expensive BRI service lines. Accordingly, this claim should be dismissed.

¹ Letter dated August 8, 2001 from Dorothy J. Chambers, counsel to BellSouth, to William B. Rich, at that time counsel to Computer Innovations, filed in the record on November 27, 2001 as Exhibit 4 to BellSouth's answer to the first amended complaint of Computer Innovations.

² Computer Innovations' reply to BellSouth's response to item Number 4 of the Commission Staff's August 7, 2002 Data Request.

Lastly, Computer Innovations contends that BellSouth is inappropriately charging PICCs on inward only lines. BellSouth, in response, asserts that the Federal Communications Commission in paragraph 45 of its docket entitled In The Matter Of Tariffs Implementing Access Charge Reform, CC Docket No. 97-250 (Rel. June 1, 1998) provides for this charge to be assessed upon an end-user for inward only lines. This allegation should therefore be dismissed as a matter of law.

Accordingly, the Commission HEREBY ORDERS that:

1. BellSouth shall make PRI service available to Computer Innovations at the same rates applicable to Hopkinsville Electric effective as of the date Computer Innovations had PRIs installed.
2. Computer Innovations claim that BellSouth refused to offer PRI service in Richmond, Kentucky, though it was available, is hereby dismissed.
3. Computer Innovations claim that BellSouth is not entitled to charge PICCs on inward only lines is dismissed.

Done at Frankfort, Kentucky, this 18th day of December, 2002.

By the Commission

ATTEST:


Executive Director