

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BRANDENBURG TELECOM LLC)	
FOR ARBITRATION OF CERTAIN TERMS AND)	
CONDITIONS OF PROPOSED AGREEMENT WITH)	CASE NO.
VERIZON SOUTH INC. PURSUANT TO THE)	2001-224
COMMUNICATIONS ACT OF 1934, AS AMENDED)	
BY THE TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

Verizon South, Inc. (Verizon) has filed a motion to extend the date for filing an interconnection agreement executed by the parties to 60 days from December 15, 2001. Brandenburg Telecom LLC (Brandenburg) has filed a motion to approve its unilaterally-filed interconnection agreement, on the grounds that it complies with the Commission's Orders in this proceeding. The motion also requested the Commission to direct Verizon to sign the agreement and to show cause why it should not be penalized for "intentionally stalling" the execution of an agreement. Concurrent with its motion, Brandenburg responded to Verizon's motion by objecting to the requested extension.

Verizon, in response to Brandenburg's submission of its interconnection agreement, has filed a motion to strike the agreement and to order Brandenburg to negotiate in good faith.

The motions and responses filed by the parties all stem from their inability to date to comply with the Commission's Order directing them to submit an executed interconnection agreement conforming to the Commission's decision in this proceeding. Nevertheless, the parties have kept the Commission informed of their efforts to

negotiate an agreement, and the Commission finds that they should be given time to do so without unduly delaying these proceedings. Time is, however, of the essence pursuant to 47 U.S.C. § 252. Accordingly, the Commission finds that, if no fully executed agreement is filed by Verizon by January 15, 2002, then the agreement filed by Brandenburg on December 17, 2001, which fully complies with the Commission's Orders and applicable law, shall become immediately effective and enforceable with or without the signature of Verizon.

Therefore, the Commission, having considered the parties' motions and their responses thereto, and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. The date for filing a fully executed agreement is hereby extended to January 15, 2002.
2. If no such executed agreement is submitted by January 15, 2002, then the agreement submitted by Brandenburg in this matter on December 17, 2001 shall immediately become effective and enforceable.

Done at Frankfort, Kentucky, this 8th day of January, 2002.

By the Commission

ATTEST:


Executive Director