

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------|---|------------|
| BRANDENBURG TELECOM LLC |) | |
| |) | |
| COMPLAINANT |) | |
| |) | CASE NO. |
| v. |) | 2002-00143 |
| |) | |
| VERIZON SOUTH, INC. |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On May 23, 2002, the Commission addressed a complaint between Brandenburg Telecom LLC (Brandenburg Telecom) against Verizon South, Inc. (Verizon). Brandenburg Telecom had alleged that its competitive local exchange customers received inferior service due to the failure of Verizon to transit calls from Brandenburg Telecom customers to the 304 NXX on a local basis. Verizon s customers could reach the 304 NXX as a local call, whereas Brandenburg Telecom s customers had to dial a ten-digit number and be assessed toll charges. The Commission determined that Verizon must transit all Brandenburg Telecom traffic destined for telephone numbers within the same local calling exchange including traffic destined to the 304 NXX customers.

In reaching its decision, the Commission relied in part on Brandenburg Telecom s willingness to reimburse Verizon for all costs Verizon would incur in transporting the traffic to the 304 NXX. Verizon had also indicated that it was unable to generate terminating call records because the calls had to be transited through a BellSouth

tandem switch. Brandenburg Telecom had indicated that it could record the traffic transited to the 304 NXX customers and other similarly situated customers and could supply the billing information to Verizon. As part of the resolution of this complaint, the Commission ordered Brandenburg Telecom to record that traffic and submit its information to Verizon. Moreover, the Commission ordered Verizon to bill Brandenburg Telecom the relevant reciprocal compensation rates and any other incurred expenses.

On June 12, 2002, Verizon filed a motion for enforcement of the Commission's May 23, 2002 Order requiring Brandenburg Telecom to reimburse Verizon for expenses incurred in transiting Brandenburg Telecom's traffic to the 304 NXX. Verizon asserts that it has developed a process to track Brandenburg Telecom's traffic so that proper payments could be made between the four carriers involved: Brandenburg Telecom, Verizon, BellSouth Telecommunications, Inc. and Sprint Communications LLC. Verizon indicated that it had no automatic way to track and bill for Brandenburg Telecom's originated traffic which was to be terminated to the 304 NXX, so Verizon developed a manual work-around process. Indeed, Verizon indicates that it has been left with no choice but to pursue, at considerable expense, the manual tracking and billing process.¹ Verizon asserts that it is entitled to recover from Brandenburg Telecom costs which total \$10,125.

However, as Brandenburg Telecom's June 26, 2002 response to Verizon's motion contends, the Commission ordered Brandenburg Telecom to record the traffic transited to the 304 NXX customers and other similarly situated customers and to

¹ Motion of Verizon at 3.

supply such data to Verizon as billing information. The Commission accepted Brandenburg Telecom's testimony that it could record the traffic and supply these traffic counts to Verizon. Thus, Verizon should not incur any expenses for recording the traffic transited to the 304 NXX customers. By developing a process to track Brandenburg Telecom's traffic, rather than accepting the records supplied by Brandenburg Telecom, Verizon has undertaken unnecessary expenses to comply with the Commission's May 23, 2002 Order. Accordingly, the Commission will not require Brandenburg Telecom to reimburse Verizon for these expenses unnecessarily incurred.

Verizon also seeks reimbursement for expenses to manually rate Brandenburg Telecom's usage. Verizon represents that these amounts total \$2,625.² Verizon should not have undertaken such an expensive process on a contested matter without prior notice to the Commission. These are expenses normally incurred to rate traffic and should be recovered through existing rates. The Commission will not require Brandenburg Telecom to reimburse these expenses either.

The Commission, having considered Verizon's motion to enforce the May 23, 2002 Order, Brandenburg Telecom's response thereto, and having been otherwise sufficiently advised, HEREBY ORDERS that:

1. As required by the May 23, 2002 Order, Verizon shall rely on Brandenburg Telecom's records of traffic transited to the 304 NXX customers and other similarly situated customers and other billing information which Brandenburg Telecom may supply.

² Motion of Verizon at 4.

2. Brandenburg Telecom shall not reimburse Verizon for any portion of the \$10,125 requested.

3. Verizon's motion to enforce is denied.

4. All outstanding issues having been resolved, this docket is closed.

Done at Frankfort, Kentucky, this 3rd day of September, 2002.

By the Commission

ATTEST:


Executive Director