

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRANDENBURG TELECOM, LLC)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2002-00383
)	
AT&T COMMUNICATIONS OF THE)	
SOUTH CENTRAL STATES, INC.)	
)	
DEFENDANT)	

O R D E R

On May 14, 2003, Brandenburg Telecom, LLC (Brandenburg) filed a Motion for Clarification requesting that the Commission clarify its May 1, 2003 Order to reflect that Brandenburg was properly charging AT&T Communications of the South Central States, Inc. (AT&T) for DA/info services. Brandenburg also requests that the Commission clarify its May 1, 2003 Order to reflect that Brandenburg had the authority to bill AT&T for all tariffed charges for AT&T intrastate access minutes of usage accruing since April 29, 2002.

On May 21, AT&T filed a Petition for Partial Rehearing. In the Petition, AT&T states that it does not seek rehearing of the Commission s findings in the May 1, 2003 Order, and that it will pay all outstanding bills for access service. AT&T, however, expresses concern that the Commission s Order in this case will encourage other competitive local exchange carriers (CLECs) to change their tariffs to charge AT&T

higher switched access rates. AT&T requests that the Commission address this issue either by opening a generic proceeding to investigate the matter or by announcing the Commission's expectations concerning CLEC access filing.

On May 1, 2003, the Commission issued an Order in this case in which it directed Brandenburg to make certain bill and rate adjustments for directory assistance and switched access. Specifically, the Commission found that Brandenburg was charging AT&T \$.00895 per minute for directory assistance when the proper rate was \$.0000895 per minute. The Commission ordered Brandenburg to make the proper adjustment. The Commission also found that AT&T should pay all appropriate amounts for intrastate service to Brandenburg within 20 days of the Commission's Order.

BRANDENBURG'S REQUEST FOR CLARIFICATION

Brandenburg contends it properly charged AT&T \$.0000895 per minute for DA/info services. Brandenburg groups the monthly charges for DA/info services in hundreds of minutes of usage and then multiplies the hundreds of minutes of usage by \$.00895 to arrive at the charge for AT&T. Thus, Brandenburg was, and is, charging the proper per-minute charge for DA/info services.

The Commission finds that Brandenburg was and is properly charging AT&T for DA/ info services and further finds that Brandenburg owes no monies to AT&T for any overcharging for DA/info services. The Commission also states that Brandenburg has the right to charge AT&T the rates currently on file with the Commission as a matter of law.

AT&T S PETITION FOR PARTIAL REHEARING

AT&T is concerned that the Commission's Order in this case will encourage other CLECs to amend their switched access charges to unreasonable levels. AT&T requests that the Commission open a generic proceeding to investigate this issue, alleging that many other states have done so. AT&T requests that, in the absence of a generic proceeding, the Commission declare in this case that any CLEC tariff filing to increase access charges above the rates in the competing incumbent local exchange carrier (ILEC) must be accompanied by supporting cost data. AT&T is concerned that, because of the large number of tariff filings and the relatively small size of the Commission Staff, CLEC filings with increased access charges may escape review and become effective by operation of law. AT&T believes that the aforementioned declaration or generic proceeding will serve to put CLECs on notice of this filing requirement.

The Commission, while acknowledging AT&T's concern, is unaware of any specific instance, or instances, in which the switched access charges of a CLEC are unreasonably more than those of the ILEC. Thus, a generic proceeding to address this nascent problem is unnecessary. Furthermore, there is nothing to suggest that the Commission need amend its current filing requirements regarding CLEC tariff filings to require supporting financial data. Thus, the Commission will make no such declaration regarding AT&T's requested filing requirements.

The Commission notes that it will monitor filings of the CLECs regarding switched access charges. The Commission also notes that AT&T has the right to file a complaint

with the Commission to protest what it deems to be unreasonable switched access charges.

IT IS THEREFORE ORDERED that:

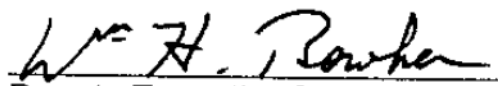
1. Brandenburg's Motion for Clarification is granted to the extent that the Commission's May 1, 2003 Order is amended to reflect that Brandenburg properly charged AT&T for DA/info services; that Brandenburg, as a result, did not overcharge AT&T for said services; and that no money is due.

2. AT&T's Petition for a Partial Rehearing is denied in its entirety.

Done at Frankfort, Kentucky, this 3rd day of June, 2003.

By the Commission

ATTEST:


Deputy Executive Director