

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF ITC^DELTA COM)	
COMMUNICATIONS, INC. WITH BELLSOUTH)	CASE NO.
TELECOMMUNICATIONS, INC. PURSUANT TO)	2003-00050
THE TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

On March 4, 2003, the Commission established a procedural schedule regarding the request of ITC^DeltaCom Communications, Inc. (ITC^DeltaCom) for arbitration with BellSouth Telecommunications, Inc. (BellSouth). According to the filings of the parties, the Commission decision must be made by no later than May 31, 2003. The Commission established an informal conference, a public hearing, and other filing requirements.

On March 11, 2003, ITC^DeltaCom, with the consent of BellSouth, filed a letter requesting that the procedural schedule be suspended. According to the letter, the parties have a joint agreement to waive the statutory deadlines. In support of this request, the parties indicate that they are arbitrating these matters in several states and need to coordinate schedules. Moreover, the parties indicate that the Federal Communications Commission s (FCC) order completing the Triennial Unbundled Network Element Review may cause this Commission s action to be premature and inefficient.

Having considered this matter, the Commission finds that ITC^DeltaCom must choose either to arbitrate before the Commission at this time or to withdraw its petition.

Such withdrawal may be without prejudice so that the petition may be re-filed when it is considered ripe for arbitration. If the parties conclude that the applicable legal standards are changed by the FCC order, they should renegotiate terms prior to bringing unresolved issues to us.

IT IS HEREBY ORDERED that:

1. ITC^DeltaCom shall notify the Commission, within 10 days of the date of this Order, whether it intends to proceed with the arbitration according to the existing schedule or whether it intends to withdraw the arbitration petition without prejudice.
2. The informal conference scheduled for March 20, 2003 is cancelled.
3. The cost studies, agreed upon portions of the parties contract, and the best and final offer on each disputed issue shall be timely filed if ITC^DeltaCom notifies the Commission that it does not intend to withdraw its petition.

Done at Frankfort, Kentucky, this 20th day of March, 2003.

By the Commission

ATTEST:


Executive Director