

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADOPTION OF INTERCONNECTION)	
AGREEMENT BETWEEN BELL SOUTH)	CASE NO.
TELECOMMUNICATIONS, INC. AND MCI)	2004-00172
WORLDCOM COMMUNICATIONS, INC. BY)	
UNIVERSAL TELECOM, INC.)	

O R D E R

BellSouth Telecommunications, Inc. (“BellSouth”) has petitioned this Commission to reconsider its May 19, 2004 Order approving the adoption by Universal Telecom, Inc. (“Universal Telecom”) of a currently effective interconnection agreement between BellSouth and MCI WorldCom Communications, Inc. (“MCI”). BellSouth asserts that adoption of the MCI agreement is not appropriate because that agreement does not comply with the Federal Communications Commission’s (“FCC”) determinations made in the Triennial Review Order¹ or the ISP compensation order.² In response, Universal Telecom contends that it does not provide ISP service and so is not seeking to adopt that particular provision of the MCI agreement. Universal Telecom also contends that the unsettled nature of telecommunications policy in the wake of the Triennial Review

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338 et al., FCC 03-36, 18 FCC Rcd 16978 (Aug. 21, 2003).

² Order on Remand and Report and Order, In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic, CC Docket Nos. 96-98, 99-68, 16 FCC Rcd 9151 (April 18, 2001) (“ISP Remand Order”).

Order cannot result in the lack of availability of any existing interconnection agreement through adoption.

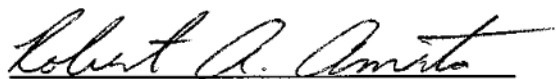
47 U.S.C. § 252(i) provides that a local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under that section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement. Universal Telecom correctly argues that the FCC did not indicate in its Triennial Review Order that all existing agreements were no longer valid, given changes that were made in the Triennial Review Order. Furthermore, this Commission has not so indicated.

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that the motion of BellSouth for reconsideration of the May 19, 2004 Order granting the request of Universal Telecom to adopt the currently effective interconnection agreement between BellSouth and MCI is denied and that Universal Telecom's adoption of the agreement is effective as of May 19, 2004.

Done at Frankfort, Kentucky, this 14th day of June, 2004.

By the Commission

ATTEST:



DEPUTY Executive Director