

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE PROPRIETY	)	
OF INTERLATA SERVICES BY BELLSOUTH	)	CASE NO.
TELECOMMUNICATIONS, INC., PURSUANT TO	)	2001-105
THE TELECOMMUNICATIONS ACT OF 1996	)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S  
MOTION FOR APPROVAL OF ITS STATEMENT  
OF GENERALLY AVAILABLE TERMS AND CONDITIONS

BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, files the attached revised Statement of Generally Available Terms and Conditions ("SGAT") and respectfully requests that it be formally approved by the Kentucky Public Service Commission.

**BACKGROUND**

BellSouth, in its initial 271 case (96-608), filed a SGAT. The Commission determined that BellSouth's 271 compliance would be judged by the provisions of 47 U.S.C. § 271(c)(1)(A), referred to as "Track A" and, therefore, consideration of the legal sufficiency of the SGAT was bifurcated to case 98-348. Bifurcation was based on the Commission's belief that a SGAT is a 47 U.S.C. § 271(c)(1)(b) "Track B" instrument and once the Commission determined that BellSouth must proceed under Track A, the SGAT was removed from the 271 Docket.

BellSouth does not dispute the relevance of a SGAT to a 271 proceeding under Track B. Nevertheless, it filed a SGAT in Case 96-608 and again in this proceeding. The SGAT provides a simple method for a CLEC to enter the local market in Kentucky; provides a single source to obtain access to unbundled network elements and to interconnect with BellSouth; and allows CLECs to benefit from all relevant decisions of the KPSC. In addition, while the FCC considered BellSouth's Louisiana II filing as a Track A proceeding, there are several references in the FCC's order to the Louisiana SGAT -- (see Louisiana II FCC Order, FCC 98-271, Released October 13, 1998, paragraphs 12, 175, 190, 212).

The Commission's order in Case 98-348 issued August 21, 1998, stated that:

The Commission having considered BellSouth's SGAT and comments thereto, and having been otherwise sufficiently advised, HEREBY ORDERS that, absent the amendments prescribed herein, the SGAT shall not be approved. However, if BellSouth submits a revised SGAT which is in accordance with this Order, it shall be approved.

BellSouth refiled its SGAT as an attachment to the direct testimony of Cynthia K. Cox in its current 271 case (2001-105). That SGAT conforms to the Commission's 8/21/98 Order with one exception regarding the application of access charges. The attached SGAT is modified to comply with that portion of the

Commission's order. Therefore, the attached SGAT fully complies with the Commission's order as follows:

1. The Commission's Order required that Section XIV.E should include a sunset provision on joint marketing. The joint marketing restriction was to expire when BellSouth received 271 authority or February 8, 1999, whichever came first. As the sunset date has passed, Section XIV.E in the original SGAT has been removed entirely and the paragraphs relettered such that what was in XIV.F is now XIV.E, etc.

2. The Commission's 8/21/98 Order states that:

MCI complains that BellSouth inappropriately may require of the CLEC, at BellSouth's discretion, 'proof' of authorization to migrate a customer. MCI accurately characterizes the section that contains this provision, XIV.G, as inappropriately vague. Accordingly, BellSouth shall clarify its SGAT to make it clear that BellSouth will not take upon itself the responsibility of determining whether one of its customers has, indeed, elected another local exchange carrier.

BellSouth respectfully submits that the language of this section appropriately addresses MCI's concern. The original SGAT read:

BellSouth will implement ALEC requests to disconnect the service of a BellSouth end user and transfer that customer's service to the ALEC. BellSouth will also implement requests directly from an end user for conversion of service from BellSouth to an ALEC or from one ALEC to another...BellSouth will not require end user confirmation prior to transferring an end user's service. (emphasis added)

BellSouth has rewritten the current SGAT at XIV.F to state:

BellSouth will implement CLEC requests to disconnect the service of a BellSouth end user and transfer that customer's service to the CLEC..BellSouth will not require end user confirmation prior to transferring an end user's service. (emphasis added)

No CLEC raised this issue in the instant proceeding because BellSouth does not require proof of authorization before migration. No such proof is required today as the SGAT clearly states.

3. Section XIV.H included a \$19.41 unauthorized change charge. The Order stated the PSC should resolve slamming disputes and that BellSouth is not entitled to a \$19.41 charge without cost justification.

This section now refers to BellSouth's FCC No. 1 Tariff, Section 13 which complies with all Federal slamming requirements. BellSouth no longer resolves slamming complaints and the responsible agency determines whether and to what extent unauthorized charges will be applied.

4. MCI complained that under the resale section we had no provision for a customer to migrate their directory listing "as is". The Order directed BellSouth to include such a provision in the SGAT.

Resale by definition is an "as is" process and CLECs have the option to migrate the end user's service including directory listing "as is" when BellSouth service is resold. Information regarding the manner in which resale customers are transferred

is provided in the relevant CLEC ordering guides which are posted on BellSouth's Internet website. As additional assistance to CLECs, Section XV of the SGAT, General Terms & Conditions, contains the reference to the website where BellSouth's ordering guides are posted.

5. The Commission's Order required that terminating access should be at the CLEC's tariffed rate rather than BellSouth's rate if termination is to a CLEC customer (Section I.B.2 and I.B.3) and that CLECs will be provided with access to daily usage files to enable them to bill access.

CLECs are provided with daily usage per section II.6.b. Sections I.B.2 and I.B.3 are modified with this filing to comply with the Commission's Order regarding terminating access charges.

6. The Order directed BellSouth to include a reciprocal provision for audit. The SGAT does include such a provision at Section XX.

7. The Order directed that a BellSouth SGAT must advise CLECs of the availability of UNE combinations. The SGAT complies with this directive in Section II.D.

#### **ARGUMENT**

The Commission's Order of August 21, 1998, in Case 98-348, outlines certain revisions of BellSouth's SGAT that must be made and, once made, that it "shall be approved." BellSouth has

demonstrated that the attached SGAT contain revisions that fully comply with the mandates of that Order. BellSouth again acknowledges that its current 271 application will be made under 47 U.S.C. § 271(c)(1)(A) Track A. BellSouth believes that its evidence in this docket and its interconnection agreements with CLECs demonstrate compliance with the 271 checklist.

Nevertheless, BellSouth asks that this Commission formally approve the attached SGAT as additional evidence of compliance. Approval of this filing does not affect the right of CLECs under Section 251 of the Act to negotiate an interconnection agreement with BellSouth. As stated above, approval of the SGAT gives CLECs an additional option for interconnection.

For the foregoing, BellSouth respectfully requests that its Motion and SGAT be approved.

Respectfully submitted,

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