

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION FOR CLARIFICATION

The Commission's Advisory Opinion in this docket dated April 26, 2002, concluded that BellSouth has achieved compliance with the Competitive Checklist outlined in Section 271 of the Act. *Order*, pp. 9 and 41.

Regarding Checklist Item 2, the Commission makes the specific finding that "BellSouth has met the requirements of Checklist Item 2" at page 30 of the April 26, 2002, *Order*. Nevertheless, there is an apparent inconsistency between the specific finding of compliance with Checklist Item 2 and the discussion in the body of the *Order* regarding "Order Flow Through". *Order*, p. 22. Specifically therein, the Commission discusses the two-step ordering process to accomplish a change of end-user carrier. The Commission notes on page 23 of its Advisory Opinion that BellSouth is correcting this problem by instituting a Single C order for conversion. Then the Commission states that "BellSouth advances in its flow-through

process are sufficient to comply with this checklist item. The Single C order slated for implementation in Kentucky should be so implemented to meet this checklist item." *Order*, p. 23, lines 13-16. Again on p. 30, lines 8-10, the Commission states: ". . . we find that implementation of a Single C order, ordering capability is necessary for BellSouth to meet standards required for Checklist Item 2".

The Commission's order clearly states its finding that BellSouth has met the requirements of Checklist Item 2. *Order*, p. 30, line 19. Consequently, BellSouth respectfully requests that the Commission clarify its Order as follows:

The Commission currently finds BellSouth in compliance with Section 271 using the two-order process presently in place. However, and while not necessary for Section 271 compliance, the Commission expects that BellSouth will add the further enhancement of Single C order ordering by August 3, 2002, in keeping with its present schedule. The Commission intends to closely monitor implementation of Single C ordering.

Further, BellSouth would note that use of a two-order process is wholly consistent with 271 compliance. The FCC has approved SWBT applications in 5 states, each of which used a *three-order* process. In all cases, the FCC looked at whether the process caused significant harm to CLECs, largely in terms of service outages.

"We conclude, based on evidence submitted by SWBT and commenting parties, that service outages attributable to problems with the 'three order process' are very rare, and thus do not warrant a finding that SWBT

fails to provision UNE-P orders in substantially the same time and manner as it provisions equivalent retail services." *Texas Order* ¶ 199.

"[S]ince the [alleged outage] problem affected so few end users, we thus find it does not warrant a finding of checklist noncompliance." *Kansas/Oklahoma Order* ¶ 153 (footnotes omitted).

"[I]t appears that the potential programmatic problems [caused by the three-order process] impact a very small number of competitive LEC trouble reports in Arkansas and Missouri and there is no evidence before us that any end user's repairs were delayed as a result of the described LMOS problems." *Arkansas/Missouri Order* ¶ 34.

BellSouth's process similarly does not cause any appreciable CLEC harm. Only a tiny number of orders have outages related to the two-order process. Regionwide, between November 2001 and February 2002, less than 0.3% of orders had such outages. See *Ainsworth Supp. Reply Aff.*, CC Docket No. 02-35, ¶ 34.

For the foregoing reasons, BellSouth respectfully requests that its Motion for Clarification be granted.

Respectfully submitted,

Creighton E. Mershon, Sr.
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232
Telephone No. (502) 582-8219

Fred J. McCallum, Jr.
Lisa S. Foshee
Suite 4300, BellSouth Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30375
Telephone No. (404) 335-0793

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

445654