

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY INTO THE USE OF CONTRACT )  
SERVICE ARRANGEMENTS BY ) CASE NO.  
TELECOMMUNICATION CARRIERS IN ) 2002-00456  
KENTUCKY )

O R D E R

Cincinnati Bell Telephone Company (“Cincinnati Bell”) has filed a motion to compel answers to data requests directed to certain persons. Cincinnati Bell argues that the information from these persons is necessary to the Commission’s understanding of the extent and nature of competition in Cincinnati Bell’s local markets. Each of the persons whose responses Cincinnati Bell seeks to compel have filed oppositions to Cincinnati Bell’s motion.

MCI Telecommunications, in response to Cincinnati Bell’s original request for data, indicated that it had not been included as a party to this proceeding and had not chosen to intervene. MCI Metro Access Transmission Services LLC had been a named party in the Commission’s proceeding, but had followed the established procedure to withdraw from participation. Moreover, in its response to the Commission, MCI Metro Access Transmission Services LLC indicated that it had no contract service arrangements in Kentucky during 2001 or 2002 and that its operations in Kentucky were de minimus.

ICG Telecom Group ("ICG") notified Cincinnati Bell that it had withdrawn from participation in this proceeding. ICG indicated to the Commission in its response that it had only recently emerged from bankruptcy and that it was not active in Kentucky.

NuVox Communications, Inc. ("NuVox") and Time Warner Telecom ("Time Warner") also were requested by Cincinnati Bell to submit information, and have indicated to Cincinnati Bell that they are not parties to this proceeding.

The Commission has reviewed the motion of Cincinnati Bell and the responses in opposition from NuVox, Time Warner, ICG and both MCI companies and finds that it does not appear at this time that responses to the data requests propounded by Cincinnati Bell will assist the Commission. Much of the information which Cincinnati Bell seeks is public information and generally available. However, if it is determined at the June 17 hearing that information from additional persons is necessary for the Commission to fully understand Cincinnati Bell's market and its use of contract service arrangements, the Commission will inquire further at that point.

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that Cincinnati Bell's motion to compel answers of data requests directed at four specific competitive carriers is denied.

Done at Frankfort, Kentucky, this 16<sup>th</sup> day of June, 2003.

By the Commission

ATTEST:

  
Executive Director