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DOCKET # 19341

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Docket No. 19341-U

DOCUMENT # 90828  
Issues Related to BellSouth

In Re: Generic Proceeding to Examine  
Telecommunication, Inc's. Obligations to Provide Unbundled Network  
Elements

ORDER ON RECONSIDERATION

I. Proceedings

On January 20, 2006, the Georgia Public Service Commission ("Commission") issued its Order Initiating Hearings to Set a Just and Reasonable Rate Under Section 271 ("Order Initiating Hearings"). In that Order, the Commission concluded that it had jurisdiction to set just and reasonable rates for de-listed unbundled network elements and scheduled hearings commencing on February 20, 2006 for the purpose of setting just and reasonable rates for de-listed UNEs pursuant to Section 271. (Order Initiating Hearings, pp. 2-5). On March 10, 2006, after holding hearings and receiving evidence and arguments of counsel, the Commission issued its Order Setting Rates Under Section 271 ("Order Setting Rates"). In the Order Setting Rates, the Commission set just and reasonable rates for unbundled local switching, high capacity loops and transport and line sharing.

The Commission adopted the rates proposed by the Competitive Carriers of the South for local switching and high capacity loops and transport. (Order Setting Rates, pp. 3-9). For the line sharing loop, the Commission adopted a loop rate of \$6.50. *Id.* at 12. This figure reflects the average of the highest rates contained in the agreements Covad Communication Company has entered into with incumbent local exchange carriers. *Id.* The Commission adopted the remainder of Covad's proposed recurring and non-recurring rates for line sharing. *Id.*

II. Proceedings

As set forth in more detail in its prior orders in this docket, the Commission has jurisdiction over these matters pursuant to Sections 251, 252 and 271 of the Federal Telecommunications Act of 1996, Georgia's Telecommunications and Competition Development Act of 1995 (Georgia Act), O.C.G.A. §§ 46-5-160 *et seq.*, and generally O.C.G.A. §§ 46-1-1 *et seq.*, 46-2-20, 46-2-21 and 46-2-23. Pursuant to state law, the Commission has the jurisdiction to set reasonable rates, terms or conditions for interconnection services. O.C.G.A. § 46-5-164(d).

**III. Discussion**

The Commission reconsidered the matter at its March 21, 2006 Administrative Session. On reconsideration, the Commission voted not to set a rate for local switching, but did not alter the rates it set for high capacity loops and transport and line sharing. Nothing in this decision alters the Commission's prior determinations regarding its authority to set just and reasonable rates for de-listed network elements under Section 271. Rather, the Commission concludes that it is more appropriate not to set a just and reasonable rate for local switching at this time. Therefore, as of the effective date of this order, BellSouth Telecommunications, Inc. ("BellSouth") shall be able to transition the Unbundled Network Element Platform ("UNE-P") arrangements of competitive local exchange carriers to resale or other arrangements negotiated by the parties.

\* \* \* \* \*


**WHEREFORE IT IS ORDERED**, that all findings, conclusions, statements, and directives made by the Commission and contained in the foregoing sections of this Order are hereby adopted as findings of fact, conclusions of law, statements of regulatory policy, and orders of this Commission.

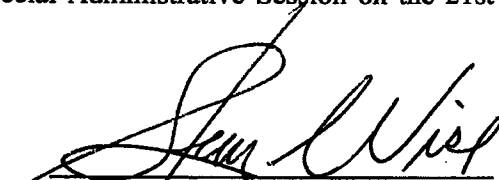
**ORDERED FURTHER**, that the Commission reconsiders the rates set for local switching in its Order Setting Rates, and will not to set a rate for local switching at this time. As of the effective date of this order, BellSouth shall be able to transition the UNE-P arrangements of competitive local exchange carriers to resale or other arrangements negotiated by the parties.

**ORDERED FURTHER**, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

**ORDERED FURTHER**, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Special Administrative Session on the 21st day of March, 2006.

  
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Reece McAlister  
Executive Secretary

  
\_\_\_\_\_  
Stan Wise  
Chairman

3-24-06  
Date

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Date