

BELLSOUTH TELECOMMUNICATIONS, INC.
SUMMARY OF KATHY K. BLAKE
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
DOCKET NO. 2004-00427

HEARING – OCTOBER 11, 2005

Good morning. My name is Kathy Blake, and my testimony addresses policy issues before the Commission in this docket.

[Issue 3(a)]

The FCC's *Triennial Review Order*, or *TRO*, and *Triennial Review Remand Order*, or *TRRO*, modified and, in many instances, removed significant unbundling obligations formerly placed on incumbent LECs pursuant to Section 251 of the 1996 Act. BellSouth has amended its interconnection agreements with 98 CLECs in Kentucky to reflect the new unbundling rules. We are before you in this docket because we have not been able to reach agreement with all CLECs as to how their interconnection agreements must be modified to comply with the recent changes in law.

BellSouth has filed a proposed interconnection agreement amendment that provides contract language for the removal of elements that are no longer required to be unbundled under Section 251 of the Act, as well as other changes required by the *TRO* and *TRRO*. We are asking that the Commission approve that language and do the following: (1) For those CLECs that have failed to respond to BellSouth's requests to negotiate a change-of-law amendment and which have chosen to not participate in this proceeding, order that they execute an amendment to replace their entire Attachment 2 with one that is inclusive of the Commission-approved language; (2) For those CLECs that have been actively negotiating with BellSouth, including those participating in this case, we ask that the Commission order those CLECs to amend their ICAs to include the Commission-approved language for issues specifically being addressed in this proceeding. *I want to be clear* – BellSouth is not asking that the Commission require CLECs participating in this docket to incorporate the proposed contract amendment in its entirety – only the language related to change of law issues before you for resolution.

[Issue 32]

It is important that, at the end of this proceeding, the Commission approves specific contractual language that can be promptly executed by the parties, unless otherwise agreed to, so that there is no impediment for CLEC to meet the FCC's transitional deadlines. The Commission must be clear that if an amendment is not

executed within the timeframe ordered by the Commission, the Commission's approved language will go into effect for all CLECs, regardless of whether an amendment is signed.

[Issue 13]

Finally, elements that are no longer required to be unbundled pursuant to Section 251 should not be subject to the measurements of a SQM/SEEM plan. The purpose of a SQM/SEEM plan is to ensure that BellSouth provides nondiscriminatory access to elements required to be unbundled under Section 251. When the FCC removed an incumbent LEC's obligation to unbundle certain network elements, it recognized that CLECs were able to self-provision such facilities and/or purchase them from providers other than the ILEC. These other providers are not required to perform under an SQM/SEEM plan. To continue to impose upon BellSouth a performance measurement and corresponding monetary penalty for competitive, commercial offerings is discriminatory and anticompetitive. If BellSouth fails to meet a CLEC's provisioning needs, such CLEC can avail itself of other providers of the service and BellSouth is penalized because it loses a customer and any associated revenues from that lost customer.

Thank you, this concludes my summary.