

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH)	
TELECOMMUNICATIONS, INC. TO ESTABLISH)	CASE NO.
GENERIC DOCKET TO CONSIDER)	2004-00427
AMENDMENTS TO INTERCONNECTION)	
AGREEMENTS RESULTING FROM CHANGES)	
OF LAW)	

O R D E R

By letter filed March 22, 2005, AmeriMex Communications Corp. ("AmeriMex") notified the Commission that it had entered into what it called a commercial agreement with BellSouth Telecommunications, Inc. ("BellSouth"). Thus, AmeriMex requested that the Commission withdraw AmeriMex's emergency petition filed March 4, 2005.¹

The Commission is without sufficient information to determine the nature of the agreement referenced by AmeriMex, between itself and BellSouth. 47 U.S.C. § 251 and 252 cover the obligations of BellSouth as an incumbent local exchange carrier and require that certain agreements be filed with the Commission and made available for public inspection. If BellSouth and AmeriMex think that the aforementioned commercial agreement need not be filed with the Commission, they should file succinct legal briefs explaining their rationale and legal authority in support of their position that this agreement is not covered by the requirements of 47 U.S.C. § 252(e) and (h).

¹ This emergency petition was granted by the Commission on March 10, 2005. Therefore, the Commission will take no action on AmeriMex's request that the petition be withdrawn, since it is now moot.

IT IS THEREFORE ORDERED that:

1. Within 20 days of the date of this Order, BellSouth and AmeriMex shall submit succinct briefs regarding why they believe that their "commercial" agreement referenced by AmeriMex in its letter filed March 22, 2005 is not required to be submitted to this Commission for approval.

2. In the alternative, within 10 days of the date of this Order, BellSouth and AmeriMex may submit this agreement for Commission review pursuant to 47 U.S.C. § 252.

Done at Frankfort, Kentucky, this 30th day of March, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director

Case No. 2004-00427