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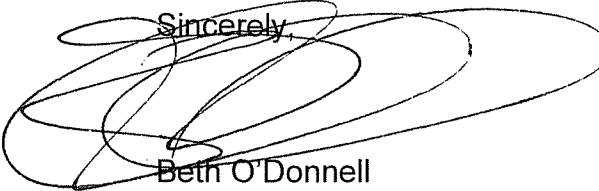
Christopher L. Lilly
Commissioner
Department of Public Protection

May 6, 2005

PARTIES OF RECORD

Re: Case No. 2004-00427

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact Amy Dougherty at 502/564-3940, Extension 257.

Sincerely,

Beth O'Donnell
Executive Director

Attachment

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* These parties have not waived their right to be served by U.S. Mail.

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: The File

FROM: Amy Dougherty

DATE: May 6, 2005

SUBJECT: Case No. 2004-00427
Petition of BellSouth Telecommunications, Inc. to Establish Generic
Docket to Consider Amendments to Interconnection Agreements
Resulting from Changes of Law

On May 3, 2005, those persons whose names appear on the attached memorandum met to discuss the status of all relevant negotiations surrounding amendments to interconnection agreements. ALLTEL's representative, Dan Logsdon, asked to be present at the informal conference. No parties objected.

Initially, we discussed procedural matters relating to pending issues in this docket. BellSouth asked to be given additional time to respond to Cinergy's emergency motion for a declaratory ruling. BellSouth asked to have until May 13 to file its response. Cinergy indicated that a due date of May 13 was too generous an amount of time to respond to an emergency motion. All agreed this matter would be taken up by the Commission.

The other procedural matter addressed by the parties was whether CLECs would respond to BellSouth's brief, filed pursuant to the Commission's March 30, 2005 Order. The brief regards whether "commercial agreements" are to be filed with the PSC. Cinergy and Covad indicated that they would be responding to BellSouth's brief and could do so by May 18, 2005.

We then turned to a party-by-party review of the status of negotiations. Cinergy indicated that Cinergy and BellSouth have exchanged their own versions of Attachment 2 to their interconnection agreement regarding unbundled network elements. According to Cinergy, it submitted a settlement offer on May 14. BellSouth has responded that it is studying the issues. A substantive response from BellSouth was promised in a day or two.

Based on its understanding of Coserv Limited Liability Corporation v. Southwestern Bell Telephone Company (350 F.3d 482 (5th Cir. 2003)), BellSouth determined that it would not take up matters in front of the Commission Staff which it

plans to address by commercial agreement. Covad, SouthEast, PNG, Dialog and the group of four CLECs, Xspedius, KMC, NuVox and NewSouth, each presented their view on the status of their negotiations with BellSouth.

BellSouth distributed an issues matrix draft with approximately 32 issues. This document has been introduced through efforts in a nine-state region. CompSouth, a group of 21 competitive carriers, has participated extensively in the production of this issues list. The issues matrix will be presented to the Commission formally by the parties in the coming weeks. The parties consider that the arbitration of issues in this docket must be completed by March 10, 2006, the date by which the FCC ordered a complete conversion of UNE-P. The draft issues matrix is also attached to this memo.

Finally, BellSouth presented a nine-state draft proposal for procedures to complete this docket. This proposal will also be filed with the Commission in the coming weeks. It appears that the parties will propose that Kentucky be State 6. If Kentucky is State 6 by the draft proposal, then the issues matrix would be due at the Commission on June 27, 2005, and the hearings would be held during the week of October 10, 2005. This draft regional schedule is also attached.

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

INFORMAL CONFERENCE

SIGN IN

May 3, 2005

PERSON

REPRESENTING

Greg E. Dougherty

PSC legal

A.G.B. K

PSC legal

Jim STEVENS

PSC

Jim Ballina

Dialog via phone

Terry Romine

US Cel via phone

Mike Hayden

Bell/South

DOROTHY CHAMBERS

"

DOUG LACKEY

by phone "

MEREDITH MAYS

" "

Holly C. Wallace

Xpedius/KMC/NuVox/Newbath

Robert Ege

Cinergy Communications

Kent Hatfield

Atty, Cinergy Comm.

CASE NO. 2004-00427
May 3, 2005

PERSON

Dennis Howard II

Beth Bowersox

Jonathan Amlung

Tony Taylor

Dance Plozsch

Kyle Willard

Eric Bowman

Mickey Henry

Robin Cohn

Gene Watkins

REPRESENTING

OAG

SouthEast Telephone

SouthEast Telephone

BellSouth

Alltel

PSC-Engineering

PSC-Eng.

AT&T via phone

PNG via phone

Covad via phone

**CHANGE OF LAW GENERIC DOCKET
ISSUES MATRIX**

DRAFT

NO.	ISSUE DESCRIPTION
1	TRRO / FINAL RULES: The Section 252 process requires negotiations and to the extent parties may not be able to negotiate resolution of particular issues arising out of the Final Rules/TRRO or to the extent that new issues related to the Final Rules/TRRO arise, issues related to those matters will be added to this list.
2	TRRO / FINAL RULES: What is the appropriate language to implement the FCC's transition plan for (1) switching, (2) high capacity loops and (3) dedicated transport as detailed in the FCC's Triennial Review Remand Order ("TRRO"), issued February 4, 2005?
3	TRRO / FINAL RULES: a) How should existing ICAs be modified to address BellSouth's obligation to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations? b) What is the appropriate way to implement in new agreements pending in arbitration any modifications to BellSouth's obligations to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations?
4	TRRO / FINAL RULES: What is the appropriate language to implement BellSouth's obligation to provide Section 251 unbundled access to high capacity loops and dedicated transport?
5	TRRO / FINAL RULES: a) Does the Authority have the authority to determine whether or not BellSouth's application of the FCC's Section 251 non-impairment criteria for high-capacity loops and transport is appropriate? b) What procedures should be used to identify those wire centers that satisfy the FCC's Section 251 non-impairment criteria for high-capacity loops and transport? c) What language should be included in agreements to reflect the procedures identified in (b)?
6	TRRO / FINAL RULES: Are HDSL-capable copper loops the equivalent of DS1 loops for the purpose of evaluating impairment?
7	TRRO / FINAL RULES: Once a determination is made that CLECs are not impaired without access to high capacity loops or dedicated transport pursuant to the FCC's rules, can changed circumstances reverse that conclusion, and if so, what process should be included in Interconnection Agreements to implement such changes?

NO.	ISSUE DESCRIPTION
8	<p>TRRO / FINAL RULES:</p> <p>(a) Does the Authority have the authority to require BellSouth to include in its interconnection agreements entered into pursuant to Section 252, network elements under either state law, or pursuant to Section 271 or any other federal law other than Section 251?</p> <p>(b) If the answer to part (a) is affirmative in any respect, does the Authority have the authority to establish rates for such elements?</p> <p>(c) If the answer to part (a) or (b) is affirmative in any respect, (i) what language, if any, should be included in the ICA with regard to the rates for such elements, and (ii) what language, if any, should be included in the ICA with regard to the terms and conditions for such elements?</p>
9	<p>TRRO / FINAL RULES: What conditions, if any, should be imposed on moving, adding, or changing orders to a CLEC's respective embedded bases of switching, high-capacity loops and dedicated transport, and what is the appropriate language to implement such conditions, if any?</p>
10	<p>TRRO/FINAL RULES: What rates, terms, and conditions should govern the transition of existing network elements that BellSouth is no longer obligated to provide as Section 251 UNEs to non-Section 251 network elements and other services?</p>
11	<p>TRRO / FINAL RULES: What rates, terms and conditions, if any, should apply to UNEs that are not converted on or before March 11, 2006, and what impact, if any, should the conduct of the parties have upon the determination of the applicable rates, terms and conditions that apply in such circumstances?</p>
12	<p>TRRO / FINAL RULES: Should identifiable orders properly placed that should have been provisioned before March 11, 2005, but were not provisioned due to BellSouth errors in order processing or provisioning, be included in the "embedded base?"</p>
13	<p>TRRO / FINAL RULES: Should network elements de-listed under section 251(c) (3) be removed from the SOM/PMAP/SEEM?</p>
14	<p>TRO - COMMINGLING: What is the scope of commingling allowed under the FCC's rules and orders and what language should be included in Interconnection Agreements to implement commingling (including rates)?</p>
15	<p>TRO - CONVERSIONS: Is BellSouth required to provide conversion of special access circuits to UNE pricing, and, if so, at what rates, terms and conditions and during what timeframe should such new requests for such conversions be effectuated?</p>
16	<p>TRO – CONVERSIONS: What are the appropriate rates, terms, conditions and effective dates, if any, for conversion requests that were pending on the effective date of the TRO?</p>
17	<p>TRO – LINE SHARING: Is BellSouth obligated pursuant to the Telecommunications Act of 1996 and FCC Orders to provide line sharing to new CLEC customers after October 1, 2004?</p>
18	<p>TRO – LINE SHARING – TRANSITION: If the answer to foregoing issue is negative, what is the appropriate language for transitioning off a CLEC's existing line sharing arrangements?</p>
19	<p>TRO – LINE SPLITTING: What is the appropriate ICA language to implement BellSouth's obligations with regard to line splitting?</p>

NO.	ISSUE DESCRIPTION
20	TRO – SUB-LOOP CONCENTRATION: What is the appropriate ICA language, if any, to address sub loop feeder or sub loop concentration?
21	TRO – PACKET SWITCHING: What is the appropriate ICA language, if any, to address packet switching?
22	TRO – CALL-RELATED DATABASES: What is the appropriate ICA language, if any, to address access to call related databases?
23	TRO – GREENFIELD AREAS: a) What is the appropriate definition of minimum point of entry (“MPOE”)? b) What is the appropriate language to implement BellSouth’s obligation, if any, to offer unbundled access to newly-deployed or ‘greenfield’ fiber loops, including fiber loops deployed to the minimum point of entry (“MPOE”) of a multiple dwelling unit that is predominantly residential, and what, if any, impact does the ownership of the inside wiring from the MPOE to each end user have on this obligation?
24	TRO – HYBRID LOOPS: What is the appropriate ICA language to implement BellSouth’s obligation to provide unbundled access to hybrid loops?
25	TRO – END USER PREMISES: Under the FCC’s definition of a loop found in 47 C.F.R. §51.319(a), is a mobile switching center or cell site an ‘end user customer’s premises’?
26	TRO – ROUTINE NETWORK MODIFICATION: What is the appropriate ICA language to implement BellSouth’s obligation to provide routine network modifications?
27	TRO – ROUTINE NETWORK MODIFICATION: What is the appropriate process for establishing a rate, if any, to allow for the cost of a routine network modification that is not already recovered in the Commission-approved recurring or non-recurring rates? What is the appropriate language, if any, to incorporate into the ICAs?
28	TRO – FIBER TO THE HOME: What is the appropriate language, if any, to address access to overbuild deployments of fiber to the home and fiber to the curb facilities?
29	TRO – EELS AUDITS: What is the appropriate ICA language to implement BellSouth’s EEL audit rights, if any, under the TRO?
30	252(i): What is the appropriate language to implement the FCC’s “entire agreement” rule under Section 252(i)?
31	ISP Remand Core Forbearance Order: What language should be used to incorporate the FCC’s <i>ISP Remand Core Forbearance Order</i> into interconnection agreements?
32	General Issue: How should the determinations made in this proceeding be incorporated into existing § 252 interconnection agreements?

TENTATIVE REGIONAL SCHEDULE

Wk beginning	Week	state 1 (GA)	state 2 (TN)	state 3 (NC)	state 4	state 5	state 6	state 7	state 8	state 9 (FL)
27-Jun	1	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)	Issues List (Wed)
4-Jul	2									
11-Jul	3									
18-Jul	4	Direct (Tue)								
25-Jul	5		Direct (Tue)							
1-Aug	6			Direct (Mon)						
8-Aug	7	Rebuttal (Tue)								
15-Aug	8		Rebuttal (Tue)							
22-Aug	9									
29-Aug	10	Hearing (M-Th)		Rebuttal (Mon)						
5-Sep	11				Rebuttal (Thurs)					
12-Sep	12		Hearing (M-Th)							
19-Sep	13			Hearing (M-Th)						
26-Sep	14				Hearing (M-W)					
3-Oct	15					Hearing (M-W)				
10-Oct	16						Hearing (M-W)			
17-Oct	17	Briefs (Fri)						Hearing (M-T)		
24-Oct	18		Briefs (Fri)						Hearing (M-T)	
31-Oct	19									
7-Nov	20									
14-Nov	21									
21-Nov	22									
28-Nov	23									
5-Dec	24									
12-Dec	25									
19-Dec	26									
26-Dec	27									
2-Jan	28									
9-Jan	29									
16-Jan	30									
23-Jan	31									
30-Jan	32									
6-Feb	33									
13-Feb	34									
20-Feb	35									
27-Feb	36									
Decision date	30-Jan									
Notes										
1. Yellow shading indicates Holiday week										
2. We are aware that the NCUC requires the filing of a proposed order and estimated cross-examination times (the latter is due 9/14).										