

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH)	
TELECOMMUNICATIONS, LLC FOR)	CASE NO.
DECLARATORY ORDER REGARDING)	2015-00227
INTERCONNECTION WITH CENTRAL)	
KENTUCKY NETWORK FOR 911/E911)	
SERVICES TO PUBLIC SAFETY)	
ANSWERING POINTS)	

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT'S
RESPONSE TO VERIFIED PETITION FOR DECLARATORY ORDER**

COMES the Lexington-Fayette Urban County Government (“LFUCG”), by counsel and pursuant to 807 KAR 5:001 Section 19(4), and files the following as its response to BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”)’s Verified Petition for Declaratory Order. To the extent appropriate and necessary this response shall also serve as the response of the Central Kentucky 9-1-1 Network (the “Network”).

The LFUCG respectfully requests that this matter be dismissed as the Public Service Commission lacks jurisdiction over the Network. Alternatively, LFUCG requests that the relief requested in this matter be denied in its entirety. Finally, in the event that the Public Service Commission finds that the Network is a regulated utility, the LFUCG reserves the right to request further relief pursuant to KRS 278.512(2).

1. LFUCG operates the Public Safety Answering Points (PSAPs or dispatch centers) for Lexington-Fayette County, and also provides selective routing and hosts Customer Premise Equipment (“CPE”) for 911 and E911 call answering for both Lexington-Fayette County and the other members of the Network.

2. LFUCG operates and maintains the Network, which was created pursuant to a series of contracts with other local governments.

3. The Network currently has twenty-five (25) participating members, each of which is a local government in the Commonwealth of Kentucky.

4. The Network supports the participating members' respective PSAPs or dispatch centers; however, it is not a telecommunications carrier.

5. The creation of the Network was and is supported by the Kentucky Commercial Mobile Radio Service Board ("CMRS") through the provision of grants for the purchase of equipment for its participants.

6. The common link for the provision of services through the Network is a Selective Router. The Network otherwise uses the services and equipment of various telecommunications providers or its members dispatch centers.

7. The Network's Selective Router is located in a collocation facility owned by Windstream Telecommunications (or an affiliate) and is protected by security measures and redundant electricity, generators, cooling systems, and a battery backup. A similarly secured backup Selective Router is located on LFUCG-owned property.

8. The Network CPE distributes incoming calls from the Network's participating members and operates on a per seat basis.

9. Each member of the Network pays a proportional share of the operating and maintenance expenses of the Network based upon its number of seats.

10. Most or all of the services provided through the Network are internet-based and are not subject to regulation pursuant to KRS 278.5462(1).

11. The Network is not a utility pursuant to applicable law, and is therefore not subject to direct regulation by the Public Service Commission.

12. The Network is not a telecommunications carrier and is not providing telecommunications service or telephone exchange service under federal law.

13. The Network previously offered the Petitioner at least one viable solution to the issues raised in the Verified Petition which does not involve LFUCG becoming certificated by the Public Service Commission or operating as a telecommunications carrier.

14. It is LFUCG's understanding that the London/Laurel County E911 Communication Center has made multiple reasonable requests for the Petitioner to provide the data and assistance necessary in order for the Network to provide seamless 911/E911 services to all of the Petitioner's impacted customers but that to date the Petitioner is unwilling to do so unless the demands made in its Petition are met.

Respectfully submitted,

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FILING NOTICE AND CERTIFICATE

I certify that this Response is a true and accurate copy of the document(s) to be filed in paper medium with the Public Service Commission (which include a cover letter serving as the required Read1st document) within two (2) business days; that the electronic submission of these documents to the Commission was performed on August 24, 2015; and that there are currently no parties that have been excused from participation by electronic service.



ATTORNEY FOR LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT

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