

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

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

**AT&T KENTUCKY’S REPLY TO RESPONSES
TO PETITION FOR DECLARATORY ORDER**

Pursuant to the schedule established in this proceeding, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (“AT&T Kentucky”) respectfully submits its Reply to the Responses to its Petition for Declaratory Order (“Petition”). Responses were filed by Lexington-Fayette Urban County Government (“LFUCG”), Marion County, London-Laurel County Communications Center (“London-Laurel County”), Jessamine County Fiscal Court (“Jessamine County”), Garrard County Fiscal Court (“Garrard County”), the Kentucky CMRS Board, and the Attorney General. Kit-Com and Cincinnati Bell Telephone Company filed motions to intervene but did not respond to the Petition.

A. Reply to the Counties

LFUCG, Marion County, London-Laurel County, Jessamine County, and Garrard County state that the Petition should be dismissed or the requested relief should be denied, but they present no legal arguments or supporting facts and do not seek any specific action by the Commission at this time. AT&T Kentucky therefore replies to their pleadings primarily to reiterate and clarify the purpose of its Petition and this case.

Traditionally, emergency 911 calls were handled by incumbent local exchange carriers (“ILECs”), like AT&T Kentucky, and delivered directly to Public Safety Answering Points

(“PSAPs”) operated by local governmental entities buying service from the ILECs’ tariffs.

AT&T Kentucky therefore could control the delivery of its end-users’ 911 calls and appropriately address its potential liability through tariff or contract provisions. This is critical because of the potentially large liability associated with handling 911 traffic.

In recent years, however, alternative 911 providers have sought to handle 911 traffic by interconnecting with ILECs to receive the traffic and then deliver the traffic to PSAPs themselves. Most notably, INdigital Communications Venture Corporation (“INdigital”) sought to play that role in Kentucky a few years ago. INdigital became certificated as a local exchange carrier and then sought interconnection with AT&T Kentucky. In an arbitration under Section 252 of the federal Telecommunications Act of 1996, the Commission found, over AT&T Kentucky’s objection, that INdigital was a telecommunications carrier that sought to provide telephone exchange service by carrying 911 traffic to PSAPs, and the Commission required AT&T Kentucky to enter into an interconnection agreement with INdigital. By doing so, the Commission was able to oversee the terms of interconnection between AT&T Kentucky and INdigital for 911 traffic.

This case involves requests that AT&T Kentucky send 911 traffic to another alternative 911 provider, Central Kentucky Network (“CKN” or “the Network”), to deliver that traffic to PSAPs. AT&T Kentucky does not seek to prevent CKN from doing that. Given the risks and potential liability associated with carrying 911 traffic and passing it on to an entity over which AT&T Kentucky has no control, however, AT&T Kentucky needs to be sure it can appropriately address its potential liability and clearly define the terms of its dealings with CKN and each party’s respective responsibilities. AT&T Kentucky is concerned that if it were to voluntarily agree to indirectly route 911 traffic to PSAPs through an uncertificated entity like CKN (rather than via the direct connections that AT&T Kentucky has with PSAPs today) without any

direction or review from the Commission, it could be exposed to significant and unwarranted liability.

AT&T Kentucky therefore brings its Petition for Declaratory Ruling so the Commission can set the ground rules for ILEC's in dealing with alternative 911 service providers like CKN. There are various routes the Commission might take. Among other things, the Commission could:

- Require entities like CKN that are involved in the transport or termination of 911 calls to PSAPs to become certificated as public utilities and enter into interconnection agreements in order to receive 911 traffic from carriers;
- Forbid carriers from sending 911 traffic to non-certificated entities for delivery to PSAPs; or
- Find that carriers are allowed (but not required) to send 911 traffic to non-certificated entities for delivery to PSAPs on mutually agreeable terms.

Regarding the specific allegations in the numbered paragraphs of LFUCG's Response, AT&T Kentucky states as follows:

1. Admitted, on information and belief.
2. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.
3. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.
4. AT&T Kentucky lacks information sufficient to admit or deny regarding CKN's support of members' PSAPs or dispatch centers, and states that whether CKN is a telecommunications carrier is a legal question to which no response is required.
5. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

6. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

7. AT&T Kentucky lacks information sufficient to admit or deny, other than to admit, on information and belief, that CKN has a Selective Router in a collocation facility owned by Windstream Telecommunications or an affiliate.

8. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

9. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

10. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations. To the extent this paragraph asserts legal conclusions regarding CKN, no response is required.

11. AT&T Kentucky states that the allegations of paragraph 11 are legal assertions to which no response is required.

12. AT&T Kentucky states that the allegations of paragraph 12 are legal assertions to which no response is required.

13. AT&T Kentucky admits that it has discussed the issues raised by the Petition with CKN, but denies that any acceptable solutions have been proposed.

14. See response to paragraph 13.

Regarding the specific allegations in the numbered paragraphs of Marion County's Response, AT&T Kentucky states as follows:

1. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

Regarding the specific allegations in the numbered paragraphs of London-Laurel County's Response, AT&T Kentucky states as follows:

1. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

4.¹ AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations and states that whether the Network is a telecommunications carrier is a legal question to which no response is required.

5. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

6. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

7. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations other than to admit, on information and belief, that the Network has a Selective Router in a collocation facility owned by Windstream Telecommunications or an affiliate.

8. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

9. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

10. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations. To the extent this paragraph asserts legal conclusions regarding CKN, no response is required.

11. This paragraph asserts legal conclusions to which no response is required.

¹ This Reply follows the numbering of London-Laurel County's Response, which does not contain a Paragraph 2 or 3.

12. This paragraph asserts legal conclusions to which no response is required.

13. Denied as an inaccurate and incomplete statement of the facts. Please refer to Paragraph 9 and Exhibit 2 to AT&T Kentucky's Petition.

14. Denied.

15. AT&T Kentucky admits that London-Laurel County has made certain requests to it, but denies the remaining allegations of the paragraph.

B. Reply to Kentucky CMRS Board

The Kentucky CMRS Board asks the Commission to address the issues raised in AT&T Kentucky's Petition "so as to provide guidance to all parties involved." AT&T Kentucky agrees that is appropriate, since the purpose of the Petition is to obtain clear guidance. The Kentucky CMRS Board also suggests that there may be "national implications to the decision" and therefore requests that the Commission "seek input and guidance from the Federal Communications Commission." AT&T Kentucky is unsure what, if any, national implications there might be to a decision by this Commission on the issues presented by AT&T Kentucky's Petition, nor does the CMRS Board explain. AT&T Kentucky therefore will wait to address those points when and if they arise during the course of the proceeding.

Regarding the specific allegations in the Kentucky CMRS Board's response, AT&T Kentucky states as follows:

1. Admitted.

2. AT&T Kentucky states that the quoted sources speak for themselves, and no response is required.

3. AT&T Kentucky states that the quoted sources speak for themselves, and no response is required.

4. Admitted.

5. Admitted.

6. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

7. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

8. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

9. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

10. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

11. Denied.

12. AT&T Kentucky states that the letter attached as Exhibit B to the CMRS Board's response speaks for itself and that no further response is required.

13. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

14. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

15. AT&T Kentucky lacks information sufficient to admit or deny, and therefore denies the allegations.

C. Reply to Kit-Com and Cincinnati Bell

Kit-Com (an association of rural local exchange carriers) and Cincinnati Bell Telephone Company ("CBT") did not respond to the Petition, but have asked to intervene, noting that they have interconnections with various PSAPs and therefore have a direct interest in this proceeding.

AT&T Kentucky agrees that these other carriers have an interest in the matters raised by the Petition, especially as they may affect a carrier's ability to appropriately address its potential liability when passing 911 traffic to CKN before it reaches a PSAP.²

CONCLUSION AND REQUEST FOR INFORMAL CONFERENCE

AT&T Kentucky respectfully requests that the Commission schedule a conference in order to establish a plan for moving forward with this proceeding.

Respectfully submitted,

/s/ Robert C. Moore
Hazelrigg & Cox, LLP
415 West Main Street
P. O. Box 676
Frankfort, KY 40602
(502-227-2271)
rmoore@hazelcox.com

Dennis G. Friedman
J. Tyson Covey
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600
dfriedman@mayerbrown.com
jcovey@mayerbrown.com

² AT&T Kentucky does not reply to the Attorney General's AG's Response, which merely states that the Attorney General lacks information sufficient to address the Petition at this time.

FILING NOTICE AND CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission (which includes a cover letter serving as the required Read 1st document) within two business days; that the electronic filing was transmitted to the Commission on September 16, 2015; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Robert C. Moore