

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Application of Competitive Carriers of the)
South, Inc. for a Declaratory Order Affirming that)
The Interconnection Regimes under KRS 278.530) Case No. 2015-00283
and 47 U.S.C. § 251 are Technology Neutral)

**VERIZON’S RESPONSE TO SUPPLEMENTAL CITATIONS BY APPLICANT
COMPETITIVE CARRIERS OF THE SOUTH INC.**

MCI Communications Services, Inc. d/b/a Verizon Business Services,¹ by counsel, files its Response to the pleading filed on January 12, 2016 by the Competitive Carriers of the South, Inc. (“CompSouth”), styled as “Supplemental Citations by Applicant Competitive Carriers of the South, Inc.” (“CompSouth Supplemental Citations”). The orders CompSouth referenced in its filing have no bearing on this case.

I. The Commission Should Not Rely on the California Frontier Order.

CompSouth references the California Public Utilities Commission’s (“CPUC”) recent decision approving the transfer of control of Verizon California Inc. (“Verizon California”) to Frontier Communications Corporation (“Frontier”).² The decision imposed several conditions, including one requiring Verizon California to submit for approval the agreements it has executed for the exchange of voice traffic in internet protocol (“IP VoIP”) to which Frontier will succeed (the “Agreements”),³ and required Frontier to make the Agreements available for opt-in only “[i]f such agreements are approved by the Commission.”⁴ The CPUC has not yet reviewed or

¹ Verizon and its ILEC affiliates are referred to collectively as “Verizon”).

² *Joint Application of Frontier Communications Corporation, Frontier Communications of America, Inc. (U5429C), Verizon California, Inc. (U1002C), Verizon Long Distance LLC (U5732C), and Newco West Holdings LLC for Approval of Transfer of Control Over Verizon California, Inc. and Related Approval of Transfer of Assets and Certifications*, D.15-12-005 (2015).

³ See Decision at 80.

⁴ *Id.*

approved any of the Agreements. Indeed, the CPUC did not review the Agreements before issuing the decision, nor did it provide any explanation or analysis for why filing and approval would be consistent with 47 U.S.C § 252.⁵ Given this context, this Commission should give the decision no weight.

II. The *AT&T v. Core* Decision is Irrelevant to This Proceeding

CompSouth's application questions whether IP VoIP agreements are subject to the interconnection regimes of 47 U.S.C. §§ 251-252 and KRS 278.530. The *AT&T v. Core Communications*⁶ cited by CompSouth does not address that issue—or IP VoIP traffic—at all. That case is about state jurisdiction over intercarrier compensation disputes between CLECs related to *dial-up ISP-bound traffic* in the absence of an interconnection agreement. That has nothing to do with the question whether commercial agreements to exchange VoIP traffic in IP format are subject to sections 251 and 252. The court in *AT&T v. Core* dealt with an unrelated niche issue related to the legacy PSTN. It sheds no light on this proceeding.

Conclusion

The Supplemental Authority provided by CompSouth provides no basis for the Commission to address the IP VoIP interconnection issue before the FCC completes its rulemaking on this very issue. For the reasons outlined in Verizon's Responses to CompSouth's Application, the Commission should deny ComSouth's request for a declaratory ruling.

Respectfully submitted,

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⁵ See Decision at 55-6, 70, 73, 80.

⁶ 112515 FED3 14-14999 (3rd Cir. Nov. 25, 2015)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the same document being sent for filing in paper medium with the Commission, that the electronic filing was transmitted to the Commission on February 5, 2016, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

/s/ Luke Morgan
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