

RECEIVED

APR 26 2010

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF

NOTICE OF WHOLESALE CARRIER SERVICE, INC.'S)
INTENT TO ADOPT THE INTERCONNECTION)
AGREEMENT BETWEEN BELL SOUTH)
TELECOMMUNICATIONS, INC. AND NEW TALK, INC.)

Case No. 2010-00165

**NOTICE OF WHOLESALE CARRIER SERVICE, INC'S ADOPTION OF THE
BELL SOUTH TELECOMMUNICATIONS- NEW TALK INTERCONNECTION
AGREEMENT**

Wholesale Carrier Service, Inc. ("Wholesale"), pursuant to Section 252(i) of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. § 25211), hereby filed this Notice of Intent to adopt the currently effective interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T-Kentucky ("AT&T-KY") and New Talk, Inc.

Wholesale is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier or CLEC. AT&T-KY is and incumbent local exchange carrier or ILEC. The referenced agreement, which is to be adopted in its entirety, is identified by the tracking number 01055-AL on the Commission's publicly-available Internet site for approved agreements. The CLEC party to this unexpired agreement is New Talk, Inc. ("New Talk").

The Commission has frequently acknowledged the statutory right of carriers to adopt existing interconnection agreements by notice to the Commission. As the adoption arises from a

statutory right, such a request may be reviewed expeditiously and promptly granted.¹ Moreover, Paragraph 61.1 of the agreement to be adopted acknowledges that AT&T-KY will make the entire agreement available to requesting telecommunications carriers. Accordingly, Wholesale requests expedited review of this Notice and an Order that:

- a) Approves Wholesale's adoption of the existing interconnection agreement between AT&T-KY and New Talk with the Commission (the "New Talk ICA")
- b) Orders AT&T-KY to file the approved agreement; and
- c) Makes the agreement effective as of the date of the Commission's Order.

PARTES

- 1. Wholesale is a Florida corporation, whose principal place of business is 5471 University Drive, Coal Springs, FL 33067.
- 2. AT&T-KY is an incumbent local exchange company ("ILEC") as defined under Section 251(h) of the Act, and is authorized to provide telecommunications services in the Commonwealth of Kentucky.
- 3. Notice of this filing is being sent to:

Mary Pat Regan
President
AT&T-KY
601 W. Chestnut Street, Room 408
Louisville, KY

And

¹ See, e.g. *In the Matter of Adoption by Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone Company of Interconnection Agreement between Kentucky ALLTEL, Inc. and Brandenburg Telecom, LLC*, PSC Case No. 2005-00463 (Order dated December 6, 2005).

AT&T Contract Management
311 S. Akard
Four AT&T Place, 9th Floor
Dallas, TX 75202

BACKGROUND

4. A true and correct copy of the current New Talk ICA, as amended, can be viewed on the Commission's website²: <http://162.114.3.165/PSCICA/0000/01055/>.
5. Wholesale intended to be bound by the terms of the unexpired agreement, anticipating that the terms of the agreement will be reproduced in their entirety, substituting Wholesale in the place of New Talk in the Agreement.
6. By letter dated March 16, 2010 Wholesale notified AT&T-KY's Director of Contract Management in writing that Wholesale intended to exercise its statutory right to adopt the New Talk ICA.
7. Wholesale's request is made pursuant to Section 252(i) of the Act and the FCC's interconnection adoption regulation at C.F.R. § 51.809. As this Commission recently recognized in its February 18, 2008 Order in Case No. 2007-0255³, the FCC's rule provides only two bases upon which an adoption request may be rejected: (1) where the costs of providing a particular agreement to one carrier are greater than the cost providing the same terms to another carrier; and (2) where

² For ease of administrative burden upon the Commission, the current New Talk ICA is fully incorporated herein by reference. Wholesale will provide paper or electronic copies upon request.

³ *Adoption by Nextel West Corp. of the Existing Interconnection Agreement by and between BellSouth Telecommunications, Inc. and Sprint Communications Company, L.P., Sprint Spectrum, L.P.(Nextel Adoption Order)*

the provision of a particular agreement to the requesting carrier is not technically feasible.

8. Wholesale does not believe that there are any material issues of fact in dispute that the Commission needs to address at this time to grant the relief requested on the basis asserted in this Notice. Adoption of this agreement can be accomplished in a “straightforward and quick” proceeding. *See Nextel Adoption Order* at 10.

PRAYER FOR RELIEF

WHEREFORE, Wholesale requests that the Commission issue its Order:

- a) Acknowledging Wholesale's adoption of the existing interconnection agreement between AT&T-KY and New Talk;
- b) Requiring AT&T-KY to file with the Commission a true and complete copy of the approved agreement
- c) Making the agreement effective as of the date of the Commission's Order; and
- d) Granting such other and further relief as the Commission deems just and proper.

Respectfully submitted,

Mark Foster


Attorney at Law

707 West Tenth Street

Austin, TX 78701

(512) 708-8700

(512) 697-0058/fax

By: 

Mark Foster

Texas Bar No. 07293850

mark@mfoosterlaw.com

Attorney for Wholesale Carrier Service, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on the following individual on this the ____ day of April, 2010.

Mary Pat Regan
President
AT&T-KY
601 W. Chestnut Street, Room 408
Louisville, KY

AT&T Contract Management
311 S. Akard
Four AT&T Place, 9th Floor
Dallas, TX 75202



Mark Foster