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Vice Chairman

November 25, 2015

PARTIES OF RECORD

Re: Case No. 2015-00227  
Application of Bellsouth Telecommunications, LLC, for Declaratory Order  
Regarding Interconnection with Central Kentucky Network for 911/E911 Services  
to Public Safety Answering Points

The attached memorandum has been filed in the record of the above-referenced case. Any comments regarding the content should be submitted to the Commission within five days of receipt of this letter. Any questions regarding the correspondence should be directed to Nancy J. Vinsel, Staff Attorney, at (502) 782-2582.

Sincerely,

*Jeff Derouen*  
for

Jeff Derouen  
Executive Director

NJV

Attachment

**INTRA-AGENCY MEMORANDUM**  
**KENTUCKY PUBLIC SERVICE COMMISSION**

**TO:** Case File No. 2015-00227

**FROM:** Nancy J. Vinsel, Staff Attorney

**DATE:** November 25, 2015

**RE:** Case No. 2015-00227, Application of Bellsouth Telecommunications, LLC for Declaratory Order Regarding Interconnection with Central Kentucky Network for 911/E911 Services to Public Safety Answering Points

On November 13, 2015, Commission Staff; representatives from BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky ("AT&T Kentucky"); the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("AG"); Lexington-Fayette Urban County Government ("LFUCG"); London-Laurel County Communications Center ("London-Laurel County"); Commercial Mobile Radio Service Board ("CMRS Board"); Cincinnati Bell Telephone Co., LLC ("CBT"); Jessamine County Fiscal Court; and Kit-Com, Inc. ("Kit-Com"), participated in an informal conference ("IC") held at the Commission's offices. A copy of the sign-in sheet of those who participated is attached. During the IC, Commission Staff noted that representatives of non-parties to the case were in attendance. The parties of record in attendance agreed to allow non-party representatives to attend, but not participate in, the IC.

The purpose of the IC was to discuss certain topics and a procedural schedule.

Tony Taylor, on behalf of AT&T Kentucky, addressed the following topics:

1. The nature and extent of exiting arrangements between AT&T Kentucky and governmental agencies/Public Safety Answering Points ("PSAP") for the delivery of 911/E-911/NG-911 traffic. AT&T Kentucky provides call handling equipment and 911 call routing, pursuant to its tariff on file with the Commission. The 911 call routing services including routing, trunking to PSAP, and automatic number identification ("ANI"). The PSAPs use the ANI to retrieve the caller's physical address from an automatic location identification ("ALI") database, which lists the physical location that corresponds to each telephone number in the ALI database.

2. The "point-of-demarcation" typically established between existing facilities/arrangements for the delivery of 911 traffic to PSAPs and comparisons with the facility/arrangement required for the delivery of 911 traffic to an entity such as Central

Kentucky Network ("CKN"). AT&T Kentucky states that, typically, the point of demarcation is part of the contract negotiations between AT&T Kentucky and alternate 911 providers, such as CKN. PSAPs attach at the network interface.

3. The form (e.g., TDM or IP based) of the 911 traffic that would be delivered to an IP-based traffic aggregator like CKN for final routing to the appropriate PSAP. AT&T Kentucky passes off all 911 calls in TDM format.

4. How recent Federal Communications Commission ("FCC") actions may affect arrangements for the delivery of 911-related traffic to PSAPs via traffic aggregators similar to that proposed with CKN. AT&T Kentucky states that nothing at the FCC impacts this case.

5. AT&T Kentucky's position regarding the risks and potential liability associated with routing 911 traffic to PSAPs through CKN. AT&T Kentucky states that carriers are subject to lawsuits for 911 calls and that carriers are able to limit their liability through a tariff filed with a regulatory agency or a contract. AT&T Kentucky further states that it is subject to liability when handing off 911 calls to alternate 911 providers, such as CKN, if there is no contract between the parties that limits the liability.

Robert Stack, on behalf of LFCUG, Division of Enhanced 911, responded to the same topics. In regard to existing arrangements, Mr. Stack states that 911 traffic is handed off from telephone carriers, including CBT, Duo County Telephone, South Central Rural Telephone, and North Central Telephone Cooperative, Inc., to CKN without a contractual agreement. In regard to the point of demarcation, Mr. Stack states that the telephone carriers connect to CKN's selective routers that cover the 23 counties in CKN. Mr. Stack noted that CKN is a government operation, paid for from tax dollars, with no profit goal. In regard to the form of the 911 traffic, CKN calls are IP based. In regard to FCC actions, Mr. Stack stated that there are FCC decisions on point, but deferred to other representatives to speak to that topic. In regard to liability, Mr. Stack stated that CKN backs up PSAP service. Per CKN procedures, if phones at one PSAP are down or call volume is high, the 911 traffic is routed to Lexington-Fayette County. Mr. Stack stated that, without these procedures, the 911 calls would not get answered. Mr. Stack asserted that Kentucky State Police ("KSP") and Louisville Metro Government ("Louisville Metro") have arrangements similar to CKN and perform the same functions as CKN, and alleges that CKN has been singled out because it buys services through Windstream rather than AT&T Kentucky.

In response, Mr. Taylor stated that subject to review, he believed that KSP and Louisville Metro may buy services through AT&T Kentucky's tariff.

Joe Barrows, on behalf of the CMRS Board, provided an overview of the CMRS Board. Mr. Barrows explained that the CMRS Board provided a grant to fund CKN. Mr. Barrows further explained that the CMRS Board encouraged local PSAPs to join networks, such as CKN, to foster modernization of 911 services and the transition from analog to digital 911 services. Mr. Barrows asserted that AT&T Kentucky has not timely

worked with PSAPs seeking updated equipment using CMRS Board grants, and alleged AT&T Kentucky may have a mercenary motive, rather than public safety concern, in this matter. Mr. Barrows discussed examples of similar issues raised in Indiana, Tennessee, and Washington, D.C. Mr. Barrows has spoken with FCC representatives, who indicated to Mr. Barrows that they are following the instant case and would be willing to discuss the issues with all parties to this case.

In response, Robert Moore, counsel for AT&T Kentucky, rejected Mr. Barrows' allegations regarding AT&T Kentucky's motivation in this matter, and stated that AT&T Kentucky is very concerned about public safety. AT&T Kentucky asserts that CKN should be certificated and enter into an interconnection agreement with AT&T Kentucky.

Linda Ain, representing London-Laurel County, stated that London-Laurel County was in agreement with Mr. Stack's comments.

Representatives of CBT stated that CBT had similar concerns that AT&T Kentucky raises in this matter, and that, in Ohio, 911 service providers are required to be certificated. CBT also discussed that the FCC issued an order requiring companies that provide services to PSAPs have to undergo annual certification that ensures reliability, redundancy, and backup power for 911 services.

In response, one participant noted that government entities providing 911 services are not required to certify under the referenced FCC order.

Jennifer Black Hans, representing the AG, stated that the AG has a position of neutrality, but also noted that taxpayers funded CKN. Ms. Hans further stated that the AG intervened to represent the interests of state, county, and local government, and address how those interests are impacted by the issues raised in this matter.

Brian Goettl, representing Jessamine County, stated that 911 services are under a strain due to dwindling revenues, and opined that AT&T Kentucky should share in the costs of 911 solutions to .

Greg Hale, on behalf of Kit-Com, stated that Kit-Com is concerned about the liability issue. Mr. Hale further stated that, while it is acceptable to hand off 911 traffic to any provider that a PSAP indicates, Kit-Com needs clarification on the type of agreement that should be executed, whether an interconnection agreement or contract.

The parties agreed that Commission Staff would circulate, by electronic mail, a proposed procedural schedule that includes two rounds of discovery, prefiled testimony, and a date to request a hearing or submit the matter for a decision based upon the written record.

Thereafter the conference concluded.

Attachment

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

SIGN IN SHEET FOR NOVEMBER 13, 2015 INFORMAL CONFERENCE

<u>NAME</u>	<u>PARTY</u>
<u>J.E.B. Pianey</u>	<u>PSC - office of Gen'l Counsel</u>
<u>Jim Stevens</u>	<u>PSC</u>
<u>JENNIFER BLACK HANS</u>	<u>OAG</u>
<u>Robert Stack</u>	<u>Lexington 911</u>
<u>Dave Barberie</u>	<u>LFUCG</u>
<u>Melissa Murphy</u>	<u>LFUCG</u>
<u>Linda Ann</u>	<u>London-Laurel Co. Communication Center</u>
<u>Joe Barrows</u>	<u>CMRS Board</u>
<u>TANDY Mulholland</u>	<u>CMRS Board</u>
<u>Rob Moore</u>	<u>AT&amp;T</u>
<u>Kenny Hollis</u>	<u>Ky Cable Assoc.</u>
<u>Tyler Campbell</u>	<u>KY Telecom Association</u>
<u>Tony Taylor</u>	<u>AT&amp;T</u>

Nancy Vinsel

Kyle Willard

Ted Heckmann

Doug Brent

RONNIE BASTIN

Criss Chancellor

Brian Goettl - telephonic

Greg Hale - telephonic

Tom Preston - telephonic

Marty Clift - telephonic

Tyson Covey - telephonic

Trey Payne - telephonic

Daryl Hammond - telephonic

PSC - Legal

Engineering - PSC

Cincinnati Bell

Ky Cable / Time Warner Cable

LEXINGTON PUBLIC SAFETY

AK Associates

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KIT-com / Logan Telephone

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AT+T

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