

In response, BellSouth asserts that it is meeting all of its FOC and reject timeliness standards of its performance matrix and is thus fulfilling its obligation.⁶¹ The Commission concurs and will continue to monitor BellSouth's progress.

Capacity. CLECs assert that BellSouth's OSS does not provide sufficient capacity for projected order volumes.⁶² AT&T specifically asserts that EDI outages have been caused by a lack of production capacity.⁶³

AT&T also asserts that BellSouth's production OSS, which includes its computer systems and manual processes, have not demonstrated capacity to handle projected wholesale volumes.⁶⁴ BellSouth, on the other hand, argues that its capacity is appropriate and able to handle any projected CLEC volumes. BellSouth also indicated that it has addressed CLEC concerns and now has adequate capacity. We concur.

Line Sharing and Line Splitting. BellSouth asserts that it provides nondiscriminatory access to the high frequency portion of the loop in compliance with the requirements of the FCC Line Sharing Order⁶⁵ and Line Sharing Reconsidering Order.⁶⁶ According to

⁶¹ BellSouth Brief at 54.

⁶² Prefiled Rebuttal Testimony of Bradbury at 85-87.

⁶³ Id.

⁶⁴ Prefiled Testimony of Bradbury at 5.

⁶⁵ FCC Line Sharing Order, Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order CC Docket No. 98-147 and Fourth Report and Order CC Docket No. 96-68, 14 FCC Rcd 20,912 (1999).

⁶⁶ FCC Line Sharing Reconsideration Order, Deployment of Wireline Services Offering Advanced Telecommunications Capability, Order on Remand, CC Docket Nos. 98-147, 98-111, 98-26, 98-32, 98-78, 98-91 (1999).

BellSouth, a single CLEC or two separate CLECs acting together may provide voice and data services over a single unbundled loop obtained from BellSouth. The FCC has defined such use of a single loop a line splitting arrangement.⁶⁷ BellSouth asserts that it offers line sharing in accordance with the FCC rules. Line sharing is, thus, available to a single requesting carrier on loops that carry BellSouth's POTS so long as the XDSL technology deployed by the requesting carrier does not interfere with the voice band transmissions.⁶⁸

Though BellSouth claims an electronic OSS for line splitting is not required to meet the 14-point checklist, it has developed such an OSS, which will be available to CLECs in 2002.⁶⁹ The Commission finds that this electronic OSS for CLEC line splitting orders is reasonable and that it is, in fact, necessary that BellSouth provide it in order to fulfill the requirements of this checklist item. Moreover, the Commission notes that BellSouth's line sharing policy may raise questions of competitive discrimination in the future. Where BellSouth refuses to provide XDSL technology to end-users who select a CLEC for local service, discriminatory competitive pressure may be brought to bear as BellSouth is the largest XDSL provider. The Commission intends to continue monitoring the XDSL market in Kentucky.

⁶⁷ Prefiled Testimony of Williams at 3.

⁶⁸ Id. at 3-4.

⁶⁹ T.E., Volume IV, at 173-174.

Maintenance and Repair. BellSouth asserts that the provisioning maintenance and repair of CLEC orders in Kentucky is done in the same manner as in other states though certain performance variations do exist among states.⁷⁰

BellSouth provides to CLECs electronic interfaces for trouble reporting that enables the CLECs to access the maintenance and repair functions in substantially the same time and manner as BellSouth uses for its own operations. This access is provided through trouble analysis facilitation interface ("TAFI") and electronic communications trouble administration ("ECTA").

AT&T contends that human-to-machine interface for maintenance and repair are not provided to CLECs on an equivalent level of integration and functionality as that provided to BellSouth's retail operations.⁷¹ AT&T alleges that BellSouth is able to integrate TAFI into its own back office systems but that CLECs cannot integrate TAFI into theirs.⁷²

The Commission finds that BellSouth's maintenance and repair functions for CLECs are comparable to those which it provides to itself.

Billing. The billing arrangements to CLECs provided by BellSouth are nondiscriminatory, according to BellSouth, and have been greatly improved since 1999.⁷³ Thus, BellSouth asserts that it provides optional daily usage files, access daily usage files,

⁷⁰ Prefiled Testimony of Heartley at 3.

⁷¹ Prefiled Testimony of Bradbury at 91-92.

⁷² Prefiled Reply Testimony of Bradbury at 91-92.

⁷³ Prefiled Testimony of Scollard at 4.

and enhanced optional daily usage files enabling CLECs to process call records in their own systems.⁷⁴

Though CLECs assert that BellSouth's billing account numbers ("BANS") procedures are too burdensome, BellSouth responds that CLECs have failed to comply with BellSouth's procedures and failed to adequately communicate with BellSouth. There are over 200 BANS established for Kentucky CLECs.⁷⁵ The Commission finds that BellSouth does provide adequate billing processes to CLECs but will continue to monitor this as well.

Change Control Process.

BellSouth contends that it provides CLECs with adequate information and specifications for its systems and interfaces. Specifically, BellSouth provides information relating to change management processes that is readily accessible to CLECs, that CLECs have input into the design and operation of the change management process, and that BellSouth follows a procedure for timely resolution of disputes, a testing environment, and the provision of documentation to enable a CLEC to build an electronic gateway.⁷⁶

AT&T claims that BellSouth routinely fails to follow its published change control process, which, according to AT&T, is inadequate to begin with. The CLECs believe that

⁷⁴ Prefiled Testimony of Pate at 25 and 143.

⁷⁵ Prefiled Rebuttal Testimony of Scollard at 14-15.

⁷⁶ BellSouth Brief at 62-63 and Prefiled Testimony of Pate at 5 and 45-55.

effective change control (a/k/a Change Management) is fundamental to the elimination of the OSS deficiencies identified by the FCC.⁷⁷

"Veto" Power. A major CLEC contention regarding the change control process is that BellSouth exercises veto power over the process. Thus, according to the CLECs their efforts to make necessary changes are thwarted by BellSouth's handling of the change control process.⁷⁸ BellSouth responds that it has, through great effort, incorporated CLECs' requests and has provided CLECs substantial input into the process, as BellSouth seeks to weigh all of the interests involved.⁷⁹

Failure to Meet CLEC Needs. Though BellSouth describes its CLEC support processes, BellSouth does not include any quantitative evidence to demonstrate that what is being provided is complete, accurate, provided in a timely manner, or meets the CLEC's needs.⁸⁰

AT&T alleges that BellSouth fails to meet at least six stated needs to CLECs by failing to establish a go/no go decision point, by failing to provide parsed CSRs, by failing to implement change requests, by failing to provide CLECs an opportunity to meet with

⁷⁷ Prefiled Testimony of Bradbury at 6-7.

⁷⁸ Prefiled Rebuttal Testimony of Bradbury at 98-100 and Prefiled Rebuttal Testimony of Norris at 18.

⁷⁹ Prefiled Surrebuttal Testimony of Pate at 27-28 and Prefiled Rebuttal Testimony of Pate at 47.

⁸⁰ Prefiled Testimony of Bradbury at 7.

BellSouth decision makers, by failing to maintain a stable test environment, and by failing to provide CLECs with an adequate opportunity to test changes prior to implementation.⁸¹

The Commission has reviewed these allegations and believes that BellSouth is making efforts to address CLEC needs. As BellSouth asserts, the change control process “continues to evolve.”⁸²

The change control process is essential to CLECs. Many of the CLECs have noted that BellSouth has short circuited the change control process and provides insufficient notice to CLECs of changes. This appears to have occurred in BellSouth’s attempt to address FCC concerns. According to the CLECs, these actions by BellSouth demonstrate the critical nature of the change control process. Accordingly, the Commission plans to continue to monitor this process and will require BellSouth to address expeditiously CLEC complaints.

UNE Pricing and Combinations

The Commission has recently entered an Order establishing TELRIC-based UNE rates for BellSouth. In the opinion of the Commission if BellSouth charges rates no higher than those listed in Appendix B to this recent Order, BellSouth will comply with this checklist item. BellSouth has eliminated the disconnection fees associated with UNE pricing. We believe this is a positive step and should enhance the reasonable opportunity of competitors to compete using UNEs. The Commission recognizes that as the telecommunications industry migrates to more efficient network topologies, many unit costs

⁸¹ Prefiled Rebuttal Testimony of Bradbury at 107-111.

⁸² Prefiled Rebuttal Testimony of Pate at 72.

associated with providing telecommunications services should decline and the rates approved by it in December of 2001 should continue to adjust accordingly. Thus, UNE rates will be continually monitored by this Commission to ensure that they are appropriate on a going forward basis.

BellSouth now enables CLECs to order the UNE-P electronically via EDI, TAG, RoboTAG, and LENS. CLECs also have the opportunity to order both initial and subsequent partial migrations electronically.

CLECs have noted their concern about the procedure for converting UNE-P's and a potential loss of dial tone to end-users. As referenced infra, we find that the implementation of a single C order, ordering capability is necessary for BellSouth to meet standards required for checklist item 2.

This Commission has a long standing policy of requiring BellSouth to combine network elements for CLECs if BellSouth typically and ordinarily combines those same elements for itself. BellSouth has filed documentation with this Commission complying with this long standing policy.⁸³

Accordingly, we find that BellSouth's UNE rates, as established by this Commission's recent administrative case, as contained in arbitration agreements, and as to be modified by BellSouth with the elimination of disconnection fees are TELRIC and cost-based.

BellSouth has met the requirements of Checklist Item 2.

⁸³ T.E., Volume III, at 89 and 93-94.

Item 3: Nondiscriminatory Access to Poles, Ducts,
Conduits, and Rights-of-Way

Checklist Item 3, 47 U.S.C. § 271(c)(2)(B)(iii), requires BellSouth to provide nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of Section 224 of the Act. BellSouth's agreements obligate it to provide access to poles, ducts, conduits and rights-of-way it controls on terms that are reasonable and nondiscriminatory. The Commission finds that BellSouth meets this item of the Competitive Checklist.

Item 4: Local Loop Transmission

Checklist Item 4, 47 U.S.C. § 271(c)(2)(B)(iv), provides that BellSouth must provide access and interconnection that includes local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

BellSouth asserts that it provides unbundled access to local loops on a non-discriminatory basis.⁸⁴

Local Loops

BellSouth makes the following loop types available to CLECs: SL-1 and SL-2 voice grade loops, two wire ISDN digital grade loops, two wire ADSL loops, and unbundled loops served by integrated digital loops carriers ("IDLC") technology. BellSouth asserts that it

⁸⁴ Prefiled Testimony of Milner at 46-47.

provides electronic and manual ordering of XDSL capable loops. By March 31, 2001, BellSouth was providing 5,330 unbundled local loops to CLECs in Kentucky.⁸⁵

Hot Cuts

BellSouth asserts that it provides hot cuts in sufficient quantities at levels that generate minimum service disruption. Thus, when BellSouth converts an existing customer to the network of a competitor by transferring the customer's loop to the CLEC's network, a process referred to as hot cuts, then the process is done accurately enough to meet this checklist item. BellSouth cites enhanced employee training and the need to maintain accurate customer records in providing hot cuts. The Commission finds that BellSouth provides hot cut conversions at an acceptable level.

Line Sharing and Line Splitting

BellSouth has provided 172 lines in Kentucky under a line sharing arrangement whereby access to the high frequency portion of the loop as a UNE is made available.⁸⁶

BellSouth will cross connect a loop and a switch port to the collocation space of either a voice CLEC or a data CLEC and, according to BellSouth, the CLEC may then connect the loop and the switch port to a CLEC provided splitter and split the line itself.⁸⁷ BellSouth asserts that this satisfies its obligation. Though BellSouth asserts that it is not obligated to provide the line splitter to CLECs, it has agreed to such a provision.⁸⁸

⁸⁵ Id. at 48.

⁸⁶ Prefiled Testimony of Williams at 5-8 and 16; T.E., Volume IV, at 178; and BellSouth Brief at 79.

⁸⁷ Prefiled Testimony of Williams at 18 and 19.

⁸⁸ BellSouth Brief at 82.

The Commission finds that BellSouth adequately provides local loop transmission to fulfill this requirement. We will, however, continue to monitor BellSouth's provision of DSL services through line sharing and line splitting arrangements.

Item 5: Local Transport

Checklist Item 5, 47 U.S.C. § 271(c)(2)(B)(v), requires BellSouth to provide access and interconnection, which includes local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

BellSouth provides dedicated and shared transport among end-offices and between the end-offices and tandems.⁸⁹ The Commission finds that BellSouth provides such local transport in compliance with this checklist item.

Item 6: Local Switching

Checklist Item 6, 47 U.S.C. § 271(c)(2)(B)(vi), requires BellSouth to provide access and interconnection that includes local switching unbundled from transport, local loop transmission, or other services.

BellSouth provides line side and trunk side facilities, basic switching functions, vertical features, customized routing, shared trunk ports, unbundled tandem switching, usage information for billing exchange access, and usage information for billing for reciprocal compensation all required by the FCC. Thus, according to BellSouth, it has addressed a previous failure to provide access to vertical features, customized routing, and usage information.⁹⁰

⁸⁹ Prefiled Testimony of Cox at 51.

⁹⁰ Id. at 54.

BellSouth offers two methods of customized routing which fulfill this requirement, The first is advanced intelligent network ("AIN") and the second is line class codes ("LCC").⁹¹ Moreover, BellSouth provides usage information through the access daily usage file ("ADUF") enabling CLECs access to records for billing, access charges and reciprocal compensation charges.⁹² Accordingly, BellSouth meets its obligations regarding unbundled local switching.

Item 7: Nondiscriminatory Access to 911 and E911 Services, Directory Assistance Services, and Operator Call Completion Services

Checklist Item 7, 47 U.S.C. § 271(c)(2)(B)(vii), requires nondiscriminatory access to 911 and E911 services; directory assistance services to allow the competitive carrier's customers to obtain telephone numbers; and operator call completion services.

BellSouth provides nondiscriminatory access to 911 and E911 services. Regarding directory assistance and operator services ("DA/OS") BellSouth asserts that it provides access to a comparable level to that which it provides for itself.⁹³

AT&T, on the other hand, asserts that BellSouth has failed to satisfy this requirement because it is unable to obtain customized OSDA routing.⁹⁴ This Commission has addressed the customized routing for OSDA in a recent arbitration proceeding and has found that BellSouth meets its obligations by providing AT&T a workable process to

⁹¹ Prefiled Testimony of Milner at 73.

⁹² Prefiled Testimony of Scollard at 20.

⁹³ Prefiled Testimony of Milner at 78.

⁹⁴ Prefiled Testimony of Bradbury at 136.

effectively utilize LCC or AIN methods.⁹⁵ Thus, the Commission finds that access to OSDA is provided by BellSouth. If AT&T or any CLEC is unable to obtain routing to OSDA platforms, CLECs should file a complaint with the Commission as directed in the Commission proceeding.

BellSouth has met its obligations under this checklist item.

Item 8: White Pages Directory Listings

Competitive Checklist Item 8, found at Section 271(c)(2)(B)(viii), requires BellSouth to provide white page directory listings of customers' names, addresses, and telephone numbers that are nondiscriminatory in terms of appearances and integration and to ensure that listings are provided for competitors with the same accuracy and reliability as the listings it provides to its own customers. BellSouth states that it fully integrates CLECs' customers' white pages listings with its own and that it handles those listings precisely as it handles its own. The Commission notes that BellSouth permits CLECs to switch customers "as is," thereby greatly simplifying the process for changing local carriers, and, in such a case, the listing simply remains as it was. The absence of any difference in the way BellSouth handles CLEC customer listings indicates that reliability and accuracy are nondiscriminatory. This checklist item has been met.

Item 9: Nondiscriminatory Access to Telephone Numbers

Checklist Item 9 requires BellSouth to provide nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service. 47 U.S.C. § 271(c)(2)(B)(ix). Pursuant to this section, BellSouth must provide

⁹⁵ Case No. 2000-00465, Order dated May 16, 2001 at 11 and Order dated June 22, 2001 at 7.

nondiscriminatory access to telephone numbers for assignment to competing carriers' customers until the date the telecommunications numbering administration guidelines, plans, or rules are established. The North American Numbering Plan Administrator ("NANPA") is now NueStar and BellSouth no longer is responsible for assigning central office codes or for NPA relief planning.⁹⁶ Now BellSouth must comply with guidelines, plans and rules established by NANPA. An ILEC providing nondiscriminatory access to telephone numbers provides competitors access to those numbers that is identical to the access that the LEC provides itself.⁹⁷ It must, accordingly, charge other carriers fees for the assignment of central office codes if the fee is uniform and is also charged to itself.⁹⁸ In addition, delays competitors must suffer that are not experienced by BellSouth itself would indicate that discrimination exists.

Accordingly, the Commission finds that BellSouth does follow the procedures required by the industry numbering council and with the requirements of NANPA. Thus, this checklist item has been fulfilled.

Item 10: Nondiscriminatory Access to Databases and Signaling
for Call Routing and Completion

Competitive Checklist Item 10 requires BellSouth to provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion. 47 U.S.C. § 271(c)(2)(B)(x). Databases and signaling are UNEs that must be provided on

⁹⁶ Prefiled Testimony of Milner at 93-95.

⁹⁷ 47 C.F.R. § 51.217(c)(1).

⁹⁸ FCC Second Report and Order at ¶¶ 328, 323-33.

a nondiscriminatory basis pursuant to Section 251(c)(3). Comparison of the manner in which BellSouth obtains access to its databases and signaling network and the manner in which it provides such access to competitors is the crucial component of this inquiry.

BellSouth's agreements have been approved by this Commission and provide for nondiscriminatory access to BellSouth's signaling networks and call-related databases for call routing and completion.⁹⁹ Accordingly, this checklist item has been met.

Item 11: Telecommunications Number Portability

Competitive Checklist Item 11, 47 U.S.C. § 271(c)(2)(B)(xi), requires BellSouth to provide interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible.

AT&T alleges BellSouth has problems properly porting numbers. It cites difficulties encountered by BellSouth in porting large blocks of DID number in mid 2001.¹⁰⁰ The assertion revolves around newly transferred customers experiencing a variety of problems with ported numbers. This is critical to competitors.

BellSouth acknowledged that two problems have occurred in the past, yet asserts that both problems are resolved.

⁹⁹ Prefiled Testimony of Cox at 72.

¹⁰⁰ Prefiled Testimony of Berger at 2.

The issues revolved around field identifiers that mapped a ported number assignment in a related database to the end-user and a software glitch that occurred when BellSouth upgraded its order negotiation system.¹⁰¹

Problems such as these seem to be inherent in this transitory industry and require continual review and corrections. The Department of Justice, in its latest Georgia/Louisiana comments, concurs as it discusses BellSouth software releases that have been only Beta tested.

BellSouth meets the standard for interim number portability and has complied with Commission Orders and the industry standards in this regard. BellSouth is also providing permanent number portability. Thus, this checklist item has been met.

Item 12: Nondiscriminatory Access to Local Dialing Parity

Competitive Checklist Item 12, 47 U.S.C. § 271(c)(2)(B)(xii), requires BellSouth to provide “[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3).” Section 251(b)(3), in turn, imposes upon all LECs “[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory services, directory assistance, and directory listing, with no unreasonable dialing delays.” Dialing parity exists if a competitor’s customers are able to “route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the

¹⁰¹ Prefiled Rebuttal Testimony Ainsworth at 3.

customer's designation from among 2 or more telecommunications service providers (including such local exchange carrier)." 47 U.S.C. § 153(15).

BellSouth has demonstrated that customers of competing carriers do not have to dial additional digits to complete a local call and that there are no "unreasonable dialing delays" experienced by such customers. Accordingly, BellSouth has met this item of the checklist.

Item 13: Reciprocal Compensation Arrangements

Competitive Checklist Item 13, at Section 271(c)(2)(B)(xiii) of the Act, requires BellSouth's access and interconnection to include "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)." Section 252(d)(2)(A) provides that terms and conditions for reciprocal compensation are just and reasonable only if they provide for recovery by each carrier for costs associated with transport and termination of calls that originate on the facilities of the other carrier and if they calculate those costs on the basis of reasonable approximation of the additional costs of terminating those calls.

The Commission has addressed a reciprocal compensation issue regarding termination of Internet service provider ("ISP") traffic. Some carriers filed formal complaints with this Commission demanding compensation for termination of ISP calls.¹⁰² The Commission determined that BellSouth had to provide reciprocal compensation for ISP-bound traffic as that traffic was not excluded from the contractual definition of "local traffic."

¹⁰² See Case No. 1998-00212, American Communications Services of Louisville, Inc. d/b/a e.spire Communications, Inc. American Communications Services of Lexington, Inc. d/b/a e.spire Communications, Inc., ALEC, Inc. and Hyperion vs. BellSouth Telecommunications, Inc., Order dated May 16, 2000, rehearing denied June 23, 2000.

Given changes that have occurred since the Commission resolved that complaint, these matters are no longer contested. The FCC has entered a declaratory ruling finding that ISP-bound traffic is "jurisdictionally mixed," but "largely interstate" and that "parties should be bound by their existing interconnection agreements, as interpreted by state commissions."¹⁰³ This Commission also addressed compensation for foreign exchange ("FX") traffic by limiting such compensation to traffic that originates and terminates within the same LATA.¹⁰⁴ BellSouth is complying with the Commission's Orders. Accordingly, this checklist item has been met.

Item 14: Resale

47 U.S.C. § 271(c)(2)(B)(xiv) requires BellSouth to provide access and interconnection, which includes making available for resale telecommunications services in accordance with the requirements of Section 251(c)(4) and Section 252(d)(3). Section 251(c)(4)(A) requires that BellSouth offer for resale at wholesale rates any telecommunications service that it provides at retail to subscribers who are not telecommunications carriers. Section 252(D)(3) requires this Commission to determine wholesale rates on the basis of retail rates charged to subscribers excluding the portion thereof attributable to marketing, billing, collection, and other costs that will be avoided by the local exchange carrier. The Commission has so complied and BellSouth's wholesale discount rates are 16.79 percent for residential services and 15.54 percent for business services.

¹⁰³ Inter-Carrier Compensation for ISP-Bound Traffic, Declaratory Ruling and Notice, CC Docket No. 99-68 (released February 26, 1999), at 1.

¹⁰⁴ Case No. 2000-00404, Order dated March 14, 2001 at 7.

The Commission has addressed the provision of DSL at a wholesale discount rate.¹⁰⁵ A competitive carrier requested DSL loop service on a discounted wholesale basis. The Commission noted that it holds that DSL is "a service that begins and ends within this Commonwealth" and, as such, "is properly within this Commission's jurisdiction regardless of the nature of the service to which it is connected." However, as the FCC has asserted jurisdiction over DSL that is used to connect the user to the Internet, we determined that we should avoid subjecting regulated entities to conflicting requirements. Thus, BellSouth was not required to file an intrastate tariff for DSL service that is connected to ISP service nor required to provide ISP-bound DSL service at a discount off of its FCC tariff. But, BellSouth was required to file an intrastate DSL tariff for applications that originate and terminate within Kentucky and are sold to end-users. BellSouth has complied. The Commission has continued to review the jurisdictional issues as they wend their way through the courts, as well as the progress of DSL competition in Kentucky. BellSouth has fulfilled its resale requirements. It provides resold services to CLECs in substantially the same manner and timeframe that it provides to its own customers. Accordingly, it has met this checklist item.

CONCLUSION

Based upon the foregoing, it is the conclusion of this Commission that BellSouth has achieved compliance with the Competitive Checklist at Section 271 of the Act. The Commission will continue closely to monitor BellSouth's development of its systems, and

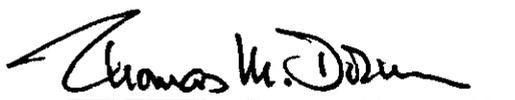
¹⁰⁵ Case No. 2001-00045, Petition by Southeast Telephone, Inc., for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252, Order dated June 29, 2001 at 3-9.

it urges the FCC to provide further guidance in developing industry standards, particularly for operations support systems and performance measurement standards, to assist state commissions as well as telecommunications carriers as they carry out their responsibilities under the Telecommunications Act of 1996.

Done at Frankfort, Kentucky, this 26th day of April, 2002.

By the Commission

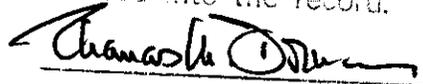
ATTEST:


Executive Director

RECEIVED & INSPECTED
JUL 12 2002
FCC - MAILROOM

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

CERTIFICATE
This is a true and complete
copy of the Kentucky Public
Service Commission Order
entered into the record.


Executive Director
7-8-02
Date

In the Matter of:

INVESTIGATION CONCERNING THE PROPERITY)
OF PROVISION OF INTERLATA SERVICES BY)
BELLSOUTH TELECOMMUNICATIONS, INC.,)
PURSUANT TO THE TELECOMMUNICATIONS)
ACT OF 1996)

CASE NO.
2001-00105

AMENDMENT TO ADVISORY OPINION

On May 7, 2002, BellSouth Telecommunications, Inc. ("BellSouth") submitted a request for the Commission to clarify statements made regarding Checklist Item 2, 47 U.S.C. § 271 (c)(2)(B)(ii). The Commission indicated that BellSouth had met the requirements of Checklist Item 2, but then continued by indicating that the implementation of a Single C order was necessary to satisfy this checklist item.

Upon review, we agree that the Advisory Opinion was unclear and clarify it as follows.

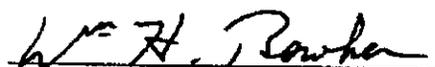
We find that the two-step ordering process to accomplish a change of an end-user carrier is sufficient for checklist compliance. We expect, however, that competition in Kentucky will be enhanced by a move to the Single C order which is anticipated by August 3, 2002. The Commission will closely monitor implementation of Single C ordering.

It remains the conclusion of this Commission that BellSouth has complied with the Competitive Checklist of Section 271 of the Telecommunications Act.

Done at Frankfort, Kentucky, this 24th day of May, 2002.

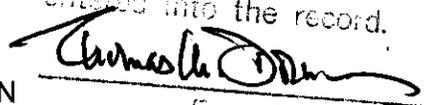
By the Commission

ATTEST:


Deputy Executive Director

CERTIFICATE
This is a true and complete
copy of the Kentucky Public
Service Commission Order
entered into the record.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION


Executive Director
7-8-02
Date

In the Matter of:

INVESTIGATION CONCERNING THE PROPERITY)
OF PROVISION OF INTERLATA SERVICES BY)
BELLSOUTH TELECOMMUNICATIONS, INC.,)
PURSUANT TO THE TELECOMMUNICATIONS)
ACT OF 1996)

CASE NO.
2001-00105

O R D E R

On May 16, 2002, Southeastern Competitive Carriers Association ("SECCA") filed a pleading styled Motion for Rehearing and Reconsideration. SECCA requested that the Commission reconsider findings it made in the April 26, 2002 Advisory Opinion and consider certain new information. To date, no party has responded to this motion.

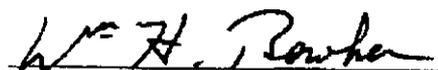
SECCA's motion and the information contained within it is part of our record that will be forwarded to the Federal Communications Commission ("FCC"), which will make the ultimate decision as to whether BellSouth Telecommunications, Inc. ("BellSouth") may enter the in-region, interLATA market in Kentucky at this time. SECCA will, of course, have an opportunity to participate fully in the FCC inquiry and to explain any disagreement with our conclusions. As for the new information contained within SECCA's motion, allegations of anti-competitive activities are, and will remain, of concern to us; however, this investigation has been on our docket for almost six years and has always been a moving target. Our April 26, 2002 Advisory Opinion represents, as it must, a snapshot in time, and we therefore decline to reopen our investigation at this point and in this proceeding further to explore the issues raised by SECCA.

IT IS THEREFORE ORDERED that SECCA's motion for rehearing and reconsideration is denied.

Done at Frankfort, Kentucky, this 24th day of May, 2002.

By the Commission

ATTEST:


Deputy Executive Director