

**Before the
GEORGIA PUBLIC SERVICE COMMISSION
Atlanta, Georgia**

In the Matter of)
)
BellSouth Telecommunications, Inc.) **Docket No.** _____
Petition for Declaratory Ruling)
Regarding Transit Traffic)

**PETITION FOR EMERGENCY RELIEF AND
REQUEST FOR STANDSTILL ORDER
BY THE GEORGIA TELEPHONE ASSOCIATION**

The Georgia Telephone Association ("GTA"),¹ on behalf of its members, respectfully submits this Petition to the Georgia Public Service Commission ("Commission") to request emergency relief and a standstill order directing BellSouth Telecommunications, Inc. (BellSouth) to maintain all existing contractual arrangements, and to honor all effective terms and conditions of existing agreements with respect to the interconnection facilities and services provided by each GTA member to BellSouth pursuant to the Public Service Commission approved Georgia De-Pooling Plan. In support of its Petition, the GTA submits the following:

1. Each of the GTA members is an incumbent Independent local exchange carrier (ILEC) serving rural areas of the State of Georgia pursuant to Certificates of Public Convenience and Necessity granted by this Commission.

¹ GTA is comprised of 33 local exchange companies ("LECs") all of which hold a certificate of public convenience and necessity and serve fewer than two million access lines within Georgia.

2. The ILECs participate in the provision of an intraLATA telecommunications services arrangement provided over network facilities interconnected with BellSouth. The interconnection arrangements, terms, and conditions between each ILEC and BellSouth are governed by the Georgia De-Pooling Plan which was approved by the Commission by Order entered on January 2, 1992 in Docket No. 3291-U.

3. On March 27, 2003, BellSouth filed a document before the Commission which BellSouth calls a "Petition for Declaratory Ruling Regarding Transit Traffic" (the "BellSouth Petition"). The issues raised in this BellSouth Petition, including but not limited to its lack of merit and the matter of whether the filing even constitutes a proper request for declaratory ruling, will be addressed by GTA in the context of the appropriate responses filed within the framework of the procedural schedule subsequently established by this Commission.

4. The need for the emergency relief requested herein arises as a result of the arbitrary and unilateral actions that BellSouth has undertaken and disclosed in the BellSouth Petition. Specifically, BellSouth has pronounced that it will no longer pay the ILECs for the termination of certain traffic that BellSouth transports and terminates over the existing interconnected intraLATA interexchange network in accordance with the Georgia De-Pooling Plan and existing contracts subject to the Commission's approval (referred to in the BellSouth Petition as the "CMRS Contract").²

² Although the subject of the BellSouth Petition is CMRS traffic that BellSouth has agreed with CMRS providers to carry over the intraLATA interexchange network, discussions regarding the identity of this traffic are irrelevant to this Petition for Emergency Relief. As recognized in the BellSouth Petition, the

5. BellSouth avers that it has provided each ILEC with notice that it will terminate the CMRS Contract effective April 30, 2003.³ At the same time, however, BellSouth makes clear its intent, irrespective of its purported contract cancellation,⁴ to continue to provide CMRS carriers with continuing services over the very same intraLATA interexchange network as it presently provides, **including utilization of BellSouth=s existing interconnection to the ILEC networks**

undisputed facts are that this traffic is carried by BellSouth over the intraLATA interexchange network and the compensation due to the ILECS is the subject of existing agreements that are subject to the approval of this Commission. As demonstrated herein, additional undisputed facts demonstrate that BellSouth does not seek to truly cancel the existing interconnection arrangement.

BellSouth seeks to continue to avail itself of its interconnection rights under the existing agreement; BellSouth seeks to cancel only its obligations to pay the ILECs under the existing arrangement. This GTA ⁵Petition for Emergency Relief⁶ is limited to its request that the Commission direct BellSouth to maintain the entire status quo - and not simply the parts of existing arrangements that BellSouth chooses to maintain - until the Commission=s full processes are followed. In subsequent phases of this proceeding, established in accordance with the Commission=s processes, the GTA will address the substantive issues related to the BellSouth Petition.

³ BellSouth Petition at para. 16.

to terminate the traffic.⁴ In other words, BellSouth has not *cancelled* the contract; *it seeks only to avoid its payment obligations under the contract while it continues to enjoy the very interconnection arrangement that is the subject of the contract.*

6. In a subsequent filing that will be made in accordance with the schedule established by the Commission to consider BellSouth's self-styled *Declaratory Ruling*,⁴ GTA will set forth its analysis of the BellSouth Petition, and address several omissions and potentially misleading statements in the BellSouth Petition. GTA will conclusively demonstrate that the BellSouth Petition is an attempt by BellSouth unilaterally to avoid its obligations, to create rights for itself that simply do not exist, and to impose unauthorized and improper business arrangements on the ILECs. In the interim and during the course of the consideration of the BellSouth Petition by this Commission, BellSouth should not be permitted to avoid its obligations to compensate the ILECs for the interconnection it has sought and plans to continue to utilize. It appears that BellSouth believes that by its filing of the *Declaratory Ruling* request before the Commission, it has been imbued with authority to cancel its obligation to pay the ILECs while continuing to utilize the interconnection arrangements and services contemplated by the very agreements BellSouth purports to cancel.

7. As the Commission is aware, the GTA and its member companies have

⁴ See, e.g., BellSouth Petition at paras.17 and 18.

participated in continuing good-faith negotiations with BellSouth to address numerous intercarrier relationships and arrangements, including those related to the BellSouth Petition. On February 21, 2003, the GTA transmitted a response to BellSouth=s most recent Acounter-proposal@ to resolve these issues. In the response, GTA indicated the willingness of its members to continue to address and mutually resolve all of the associated issues including those related to the CMRS traffic transported and terminated on the ILEC networks by BellSouth. Except for an acknowledgment of the receipt of GTA=s response by BellSouth, GTA has heard nothing further from BellSouth other than the filing of the BellSouth Petition. The GTA and its members remain ready, willing and able to participate in good-faith negotiations with BellSouth.

8. In the absence of mutual agreement, good-faith negotiation, and the approval of this Commission, BellSouth has proceeded to attempt unilaterally to institute significant changes in its intercarrier service arrangements with the ILECs by the filing of the BellSouth Petition and the rendering of notices to the ILECs purporting to cancel the existing contractual arrangements. BellSouth has arbitrarily announced that, pursuant to agreements it has reached with CMRS carriers - agreements reached in the absence of ILEC participation or opportunity to negotiate - it will cease providing compensation to the ILECs with respect to traffic originated on the networks of the CMRS and transported by BellSouth to an ILEC=s network under the existing arrangements. Each GTA member, by the filing of this Petition for Emergency Relief, rejects BellSouth=s

purported notice of a contract cancellation. BellSouth should not be permitted to benefit from the continuation of the existing interconnection arrangement while avoiding its obligations under that arrangement. Moreover, BellSouth should not be permitted to implement changes in interconnection terms and conditions unilaterally, contrary to the existing regulatory requirements and the Commission ordered and approved contractual terms and conditions, and without regard to the impact on the ILECs and their customers.

9. The interconnection arrangements, terms, and conditions between BellSouth and the ILECs have been established in the past through mutual negotiation, Commission examination and oversight of the terms and conditions, in a manner consistent with all applicable law, rules, and regulations. Unfortunately, BellSouth's recent actions to disregard its commitments, and its apparent position that it has the right to impose, by fiat, new interconnection business terms and conditions on the ILECs now gives rise to the extraordinary need for emergency Commission action.

WHEREFORE, the GTA respectfully requests that the Commission issue an order directing BellSouth to standstill and abide by all existing contractual terms and conditions governing compensation to the ILECs with respect to the interconnection facilities and services that are the subject of the Georgia De-Pooling Plan and the ACMRS Contract pending the conclusion of all

appropriate processes and procedures required to establish any new terms and conditions as determined either by mutual negotiation approved by this Commission or as required by the Commission as a result of formal processes. The existing interconnection arrangements, subject of the terms and conditions of the existing agreements between BellSouth and the ILECs, are the only arrangements currently available to BellSouth for termination of traffic. The ILECs respectfully submit that the the overall public interest will be best served by the Commission ordering the continuation of the current agreements, including compensation by BellSouth to the ILECs, during which time the Commission can examine this matter in accordance with its established processes.

Respectfully submitted,

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