

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Altru Health System
Toll Dialing Parity
Application**

Case No. PU-2141-99-417

ORDER
INTRALATA TOLL DIALING PARITY IMPLEMENTATION PLAN

February 23, 2000

On March 19, 1999, the Federal Communications Commission (FCC) adopted an order in CC Docket 96-98, FCC No. 99-54 (Order), setting forth rules for the implementation of toll dialing parity. The Order requires that, no later than April 22, 1999, all local exchange carriers (LECs) must file an intraLATA toll dialing parity implementation plan (plan) with the state regulatory commission. The FCC rules provide that a local exchange company may petition the state for suspension or modification of the requirement for implementation of intraLATA dialing parity.

On July 30, 1999, Altru Health System (Altru) filed a petition with the North Dakota Public Service Commission (Commission) requesting suspension of the requirement for implementation of intraLATA dialing parity to last indefinitely. Altru has a certificate of registration as a reseller of local exchange telecommunications services in North Dakota.

On August 25, 1999, the Commission issued a Notice of Opportunity for Hearing indicating that interested persons could comment on the application or request a hearing until October 20, 1999. No comments or requests for hearing were received.

On November 3, 1999, the Commission held an informal hearing on this matter.

The issues in this proceeding are:

1. Is suspension or modification of the duty to provide dialing parity necessary to avoid a significant adverse economic impact on users of telecommunications services generally?
2. Is suspension or modification of the duty to provide dialing parity necessary to avoid imposing a requirement that is unduly economically burdensome?

3. Is suspension or modification of the duty to provide dialing parity necessary to avoid imposing a requirement that is technically infeasible?
4. Is suspension or modification of the duty to provide dialing parity consistent with the public interest, convenience, and necessity?

Altru has a Certificate of Registration from the Commission to resell local exchange service in North Dakota. Altru is reselling local exchange service to customers in North Dakota and is considered a competitive local exchange carrier.

Altru's application and discussion at the informal hearing indicate that the Meridian 1, Option 81C Private Branch Exchange equipment currently used to provide telephone service has no capability to provide dialing parity and would have to be replaced. This would be costly and economically burdensome since the switch was recently upgraded.

Altru states that, if required to comply with the dialing parity requirement, it would have no choice but to discontinue its status as a local exchange reseller and discontinue the telephone service it provides to the medically related organizations that make up its small customer base.

State law concerning competitive local exchange companies provides:

49-21-25. Competitive local exchange companies. All competitive local exchange companies are subject to the requirements of this chapter regarding purchase of essential telecommunications services, section 49-21-01.4; access code number usage, section 49-21-01.5; call identification services, section 49-21-01.6; cross subsidization, section 49-21-02.2; price schedules, sections 49-21-04 and 49-21-05; price complaints, section 49-21-06; discrimination, section 49-21-07; dialing parity, section 49-21-08.1; connections, sections 49-21-09 and 49-21-10; refunds, section 49-21-10.1; and quality of service, section 49-21-25. N.D.C.C. § 49-21-10.2.

State law concerning dialing parity provides:

49-21-08.1. Dialing parity -- IntraLATA equal access. The provisioning of dialing parity on an intraLATA basis, otherwise known as 1+ intraLATA equal access may not be required to be provided by any company providing local exchange service prior to January 1, 2000. Every local exchange carrier shall provide intraLATA dialing parity no later than January 1, 2000. N.D.C.C. § 49-21-08.1.

The Commission finds that, under state law, it cannot grant suspension or modification of the intraLATA dialing parity requirement beyond December 31, 1999.

Order

The application of Altru Health System for suspension of the requirements to implement dialing parity is DENIED.

PUBLIC SERVICE COMMISSION

**Susan E. Wefald
Commissioner**

**Bruce Hagen
President**

**Leo M. Reinbold
Commissioner**