

STATE OF ALASKA

THE ALASKA PUBLIC UTILITIES COMMISSION

Before Commissioners:

Sam Cotten, Chairman  
Alyce A. Hanley  
Dwight D. Ornquist  
Tim Cook  
James M. Posey

In the Matter of the Application )  
by BELLSOUTH LONG DISTANCE, INC., ) U-97-218  
for a Certificate of Public Conven- )  
ience and Necessity To Operate as ) ORDER NO. 1  
a Telecommunications (Intrastate )  
Interexchange) Telecommunications )  
Public Utility within Alaska )  
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ORDER APPROVING APPLICATION, SUBJECT TO  
CONDITIONS; APPROVING TARIFF SHEETS; REQUIRING  
FILING; ALLOWING RECORDS TO BE KEPT OUT OF STATE;  
CONDITIONALLY GRANTING WAIVER; AND CLOSING DOCKET

BY THE COMMISSION:

Background

On October 22, 1997, BellSouth Long Distance, Inc. (BSLD), filed an application for a certificate of public convenience and necessity to resell intrastate interexchange telecommunications public utility service within Alaska. BSLD stated that it is a nonfacilities-based interexchange reseller proposing to offer calling-card service in Alaska.

Notice of the application was issued to the public on November 5, 1997, with a closing date of December 5, 1997, for submission of statements in support of, or in opposition to, the

application. No comments have been received by the Commission in response to that notice.

The Commission Staff (Staff) reviewed the filings in this proceeding and on January 6, 1998, submitted its analysis and recommendation (Report) thereon. Staff's Report sets out in detail the history of the proceeding and Staff's findings and recommendations regarding disposition of the application. A copy of Staff's Report is attached to this Order as an Appendix and is, by this reference, incorporated herein.

Among other things, Staff concluded that BSLD is fit, willing, and able to furnish intrastate interexchange telecommunications public utility service in Alaska. Staff recommended that the application be approved subject to the conditions that BSLD:

(a) pay intrastate access charges on an interim, refundable basis, limited to payment of the per-minute, common-line rate in accordance with the tariff of the Alaska Exchange Carriers Association, Inc. (AECA), at Sheet No. 278;

(b) file simplified Bulk Bill reports (total intrastate minutes by month); and

(c) file annual financial statements.

In addition, Staff recommended that BSLD's request for a waiver of the requirement to file a wholesale tariff be approved,

subject to conditions. Staff also recommended that BSLD's request to keep its books, records, and accounts out of state be approved, subject to the condition that BSLD provide certified copies of its books, records, and accounts upon request by the Commission. Staff further recommended that BSLD's tariff Sheet Nos. 1 through 45 filed October 22, 1997, be approved.

#### Discussion

Based on its review of the record in this proceeding, the Commission concurs with Staff that BSLD is fit, willing, and able to furnish the proposed intrastate interexchange telecommunications public utility service.<sup>1</sup> Accordingly, the Commission accepts Staff's recommendation to approve BSLD's application with conditions as delineated in Staff's Report.

The Commission also concurs with Staff's recommendation to allow BSLD to keep its books, records, and accounts out of state subject to the condition that BSLD provide certified copies of its books, records, and accounts upon request of the Commission or pay the actual expenses incurred by the Commission in sending personnel to examine BSLD's books and records at the place where they are kept. (AS 42.05.491.)

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<sup>1</sup>The Commission notes that under its regulations at 3 AAC 52.350(b), the competitive provision of intrastate interexchange telephone service in accordance with the provisions of 3 AAC 52.350 - 3 AAC 52.399 is required by the public convenience and necessity.

Additionally, the Commission concurs with Staff's recommendation that BSLD's request for a waiver of the requirement for a wholesale tariff be approved subject to the condition that if BSLD constructs or operates interexchange facilities in Alaska, or expands its intrastate services in Alaska, it will be required to file a wholesale tariff for the Commission's approval before the new intrastate services are provided or the facilities are placed into service. BSLD is placed on notice that it may also be required to provide wholesale services in the future if another carrier requests purchase of BSLD's services on a wholesale basis.

In addition, the Commission concurs with Staff's recommendation to approve tariff Sheet Nos. 1 to 45 filed October 22, 1997. The Commission will also grant BSLD a waiver of the requirement to provide for a bond, surety, or letter of credit under Section 2.4.1(A) of AECA's tariff pending a final determination in Docket R-94-3.<sup>2</sup>

Staff's Report is adopted as the Commission's findings of fact and conclusions of law.

There are no outstanding substantive or procedural issues to be disposed of in this proceeding, and there are no allocable costs under AS 42.05.651 and 3 AAC 48.157. Therefore, this Docket should be closed.

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<sup>2</sup>That proceeding is entitled: *In the Matter of the Consideration of Regulation of Resale of Intrastate Interexchange Telecommunications Public Utility Service (Debit-Card Service) Within the State of Alaska.*

ORDER

THE COMMISSION FURTHER ORDERS:

1. The application by BellSouth Long Distance, Inc., for a certificate of public convenience and necessity to provide telecommunications (intrastate interexchange) public utility service in Alaska is approved, subject to the conditions delineated in the body of this Order.

2. The request by BellSouth Long Distance, Inc., to keep its books, records, and accounts out of state is approved, subject to the condition that BellSouth Long Distance, Inc., provide under AS 42.05.491, certified copies of the books, records, and accounts upon the request of the Commission or pay the actual expenses incurred by the Commission in sending personnel to examine the utility's books and records at the place where they are kept.

3. The request by BellSouth Long Distance, Inc., for a waiver of the requirement to file a wholesale tariff for Commission review and approval is approved. If BellSouth Long Distance, Inc., constructs interexchange facilities in Alaska, expands its intrastate services in Alaska, or another carrier requests wholesale services from BellSouth Long Distance, Inc., the utility shall file a wholesale tariff with the Commission for its approval before the new intrastate services are provided or the facilities are placed into service.

4. Tariff Sheet Nos. 1 through 45 filed October 22, 1997, by BellSouth Long Distance, Inc., are approved.<sup>3</sup>

5. Docket U-97-218 is closed.

DATED AND EFFECTIVE at Anchorage, Alaska, this 24th day of March, 1998.

BY DIRECTION OF THE COMMISSION  
(Commissioners Sam Cotten, Chairman,  
and Alyce A. Hanley, not participating)

( S E A L )

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<sup>3</sup>Validated copies of the tariff will be mailed under separate cover.