

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE FCC ORDER
ESTABLISHING NEW DEADLINES FOR
IMPLEMENTATION OF INTRALATA DIALING
PARITY BY LOCAL EXCHANGE CARRIERS

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ORDER SETTING
REQUIREMENTS FOR PLANS

TC99-030

On March 23, 1999, the Federal Communications Commission (FCC) issued an order establishing new deadlines for implementation of intraLATA dialing parity by local exchange carriers (LECs). In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief, CC Docket No. 96-98, FCC 99-54 (released March 23, 1999). The order states that "[n]o later than April 22, 1999, all LECs must file intraLATA toll dialing parity plans with the state regulatory commission for each state in which the LEC provides telephone exchange service if a plan has not yet been filed with such state commission. Once a state commission has approved a plan, the LEC must implement its plan no later than 30 days after the date on which the plan is approved." Id. at & 7. If the state commission has not acted on the plan by June 22, 1999, the LEC must file the plan with the Common Carrier Bureau of the FCC. Id.

At its March 30, 1999, meeting, the Public Utilities Commission (Commission) opened a docket in order to review intraLATA toll dialing plans and established a procedural schedule that would allow other parties to file written comment on the LECs' intraLATA toll dialing plans. No parties objected to this proposal. At its April 1, 1999, meeting, the Commission issued guidelines for LECs to follow when developing their intraLATA toll dialing plans. On the issue of cost recovery, the Commission decided that if a LEC believes that it needs cost recovery, the LEC should file for cost recovery in a separate proceeding before the Commission in accordance with FCC rules. At its May 12, 1999, meeting and its June 8, 1999, meeting, the Commission approved carrier notification letters. At its June 8, 1999, meeting, the Commission also requested additional information from the parties.

At its June 15, 1999, meeting, the Commission considered whether to order any changes to the filed plans. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-81 and the Federal Telecommunications Act of 1996, specifically 47 U.S.C. ' ' 251 and 252. The Commission voted to require the following changes be made to the plans:

- (1) If a customer currently has an interLATA PIC freeze, the LEC may not automatically extend that freeze to the intraLATA PIC. According to FCC rules, separate authorizations must be received for each service for which a carrier freeze is requested. 47 C.F.R. ' 64.1190(c). Thus, a customer's intraLATA PIC may be frozen only if the customer separately authorized the freeze in accordance with ' 64.1190;
- (2) Customers shall be allowed at least one intraLATA carrier PIC choice free of charge during the first 60 days following implementation;
- (3) If an existing or new customer contacts the LEC to pick or change its intraLATA carrier, the LEC may not market its products or services on that same call but may answer customer initiated questions;
- (4) Directory assistance calls are not required to be subject to presubscription;
- (5) The Commission will allow a thirty day window for solicitation of customers prior to implementation and a LEC may wait until the date of implementation to accept intraLATA PICs;
- (6) If a new customer does not indicate a preference for a carrier, the LEC must comply with 47 C.F.R. ' 51.209(c) which prohibits the automatic assignment of a customer's intraLATA toll traffic;

(7) A LEC shall send notice of the availability of dialing parity regardless of whether it has received any Access Service Requests;

(8) In addition to its customer notification letter, each LEC shall provide a list of companies the customer can choose from and the companies' toll free numbers;

(9) In the customer notification letter, if the customer wants to change its existing carrier, the customer shall be told to contact the carrier it wants to change to instead of the LEC;

(10) The first sentence and fourth paragraph of AT&T's customer notification letter are not competitively neutral and shall be revised or deleted;

(11) Each plan shall address the issue of payphones.

Each LEC that filed a plan that does not meet these requirements shall re-file a new plan consistent with these requirements by Friday, June 18, 1999.

With respect to U S WEST's request to reclassify its toll services as fully competitive, the Commission finds that in order to reclassify a service, the procedures as outlined in SDCL 49-31-3.2 must be followed. Thus, U S WEST's request to reclassify its toll services from emerging competitive to fully competitive is denied.

The Commission further orders the LECs that have failed to notify the Commission of whether they currently provide intraLATA dialing parity to submit written notification prior to June 22, 1999.

It is therefore

ORDERED, that each LEC that filed a plan that does not meet the above-listed requirements shall re-file a new plan consistent with these requirements by Friday, June 18, 1999; and it is

FURTHER ORDERED, that U S WEST's request to reclassify its toll services from emerging competitive to fully competitive is denied; and it is

FURTHER ORDERED, that LECs that have failed to notify the Commission of whether they currently provide intraLATA dialing parity shall submit written notification prior to June 22, 1999.

Dated at Pierre, South Dakota, this 15th day of June, 1999.

CERTIFICATE OF SERVICE

BY ORDER OF THE COMMISSION:

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER,
Commissioner