

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of GTE North Incorporated for)
Approval to Revise its Facility for Intrastate) Case No. 96-457-TP-ATA
Access Tariff, P.U.C.O. No. 2 to Offer)
Intrastate IntraLATA Equal Access.)

FINDING AND ORDER

The Commission finds:

- (1) Section 251(b)(3) of the Telecommunications Act of 1996 requires all local exchange carriers (LECs) to implement dialing parity. On May 10, 1996, GTE North Incorporated (GTE) filed an application seeking approval to offer intraLATA toll equal access (also referred to as dialing parity or intraLATA toll presubscription) in the GTE service areas. At that time, GTE intended to begin implementing intraLATA equal access and continue until it had been implemented in all of the Applicant's switches.
- (2) The Commission, in Case No. 95-845-TP-COI (845), ordered local exchange companies to implement intraLATA toll dialing parity by August 8, 1997.¹ On September 11, 1996, GTE filed (in 845) a motion for waiver from the implementation deadline set by the 845 guidelines. In that waiver request, GTE sought an extension of the deadline until December 31, 1998. The Commission ordered that this request for waiver would be determined in a subsequent order.
- (3) On August 8, 1996, the Federal Communications Commission (FCC) in its Second Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98 (FCC 96-333) set forth several deadlines for LEC implementation of intraLATA dialing parity. The effect of this FCC order appeared to be that GTE now had a federal intraLATA dialing parity deadline of August 8, 1997. GTE filed a request for waiver with the FCC on May 8, 1997 and on June 26, 1997, GTE withdrew its motion for waiver of the Commission's 845 guidelines implementation deadline.
- (4) On August 22, 1997, the Eighth Circuit Court of Appeals ruled in California v. F.C.C., No. 96-3519 (8th Cir., 1997) *vacating in part*, Second Report and Order, FCC 96-333 (1996), that the FCC did not have the jurisdiction to order intrastate intraLATA presubscription. On September 9, 1997, GTE refiled its motion for waiver from the Commission's 845 guidelines intraLATA

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¹ The original deadline was June 12, 1997, but was extended to August 8, 1997, by a February 20, 1997, Entry on Rehearing of the 845 guidelines.

equal access implementation deadline. GTE stated in its memorandum in support that since the FCC's order has been vacated, this Commission is not prevented from granting GTE's requested waiver. On September 18, 1997, GTE amended its motion by adding an updated list of the exchanges that are included in the waiver.

- (5) GTE has already implemented intraLATA presubscription on approximately 95% of its lines. All of GTE's digital switches were converted to intraLATA presubscription by March 4, 1997. However, GTE still has 32 electromechanical central offices which are not capable of providing intraLATA presubscription. Accordingly, GTE requests that, until an electromechanical switch is replaced, GTE not be required to provide intraLATA presubscription from that central office. GTE further commits to have all such electromechanical offices replaced and providing intraLATA presubscription no later than December 31, 1998.
- (6) After a thorough review of this motion for waiver, Staff has recommended approval of this waiver by the Commission.
- (7) IntraLATA presubscription is required under the Commission's local service guidelines, and the Telecommunications Act of 1996. The introduction of intraLATA presubscription will provide end-users with more choice in and control of the design of their telecommunications services. IntraLATA presubscription also provides for more competitive opportunities in the opened markets. GTE is currently offering intraLATA presubscription to nearly all of its customers. We find it reasonable to allow GTE to continue with its planned central office conversion schedule of its electromechanical switches. Since these central offices are not intraLATA equal access capable, we further find it reasonable to grant GTE's request for a waiver of our implementation deadline for these offices. Accordingly, we will grant GTE a waiver from the deadline for the 32 central offices indicated in the amended motion until December 31, 1998. However, we expect GTE to adhere to the schedule of implementation included in the amended motion.

It is, therefore,

ORDERED, That, in accordance with Finding (7) above, the motion by the GTE for a waiver from the August 8, 1997, intraLATA toll presubscription implementation deadline is approved. It is, further,

ORDERED, That the GTE's deadline for the implementation of intraLATA toll presubscription for the 32 electromechanical central offices, as indicated in the amended motion, is December 31, 1998. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in an subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation or the request for a waiver from such. It is further,

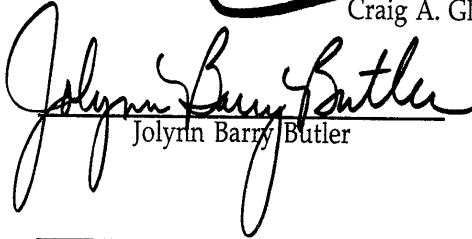
ORDERED, That this Order does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant from the provisions of any state or federal law which prohibits the restraint of trade. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicant and its counsel.

THE PUBLIC UTILITIES COMMISSION OF OHIO

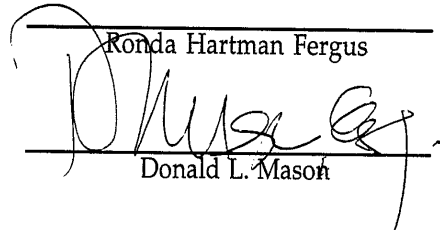


Craig A. Glazer, Chairman



Jolynn Barry Butler

Judith A. Jones



Ronda Hartman Fergus

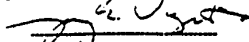
Donald L. Mason

RSP:dj

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Gary E. Vigorito
Secretary

SERVICE NOTICE

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CASE NUMBER 96-457-TP-ATA
CASE DESCRIPTION GTE NORTH INCORPORATED
DOCUMENT SIGNED ON April 9, 1998
DATE OF SERVICE 4/10/98

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

GTE NORTH INCORPORATED
WILLIAM A. GRISWOLD, PRES.
100 EXECUTIVE DR.
MARION, OH 43302

JOSEPH R. STEWART
STATE GENERAL COUNSEL
GTE NORTH, INC.
100 EXECUTIVE DRIVE
MARION, OH 43302

JOHN W. KENNEDY
GTE NORTH INCORPORATED
100 EXECUTIVE DR
MARION, OH 43302

INTERVENOR

AT&T COMMUNICATIONS OF OHIO, INC.
65 EAST STATE STREET
SUITE 1500
COLUMBUS, OH 43215

BENITA A. KAHN
VORYS, SATER, SEYMOUR AND PEASE
52 E. GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216

ELIZABETH M. CAMPBELL
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

MCI TELECOMMUNICATIONS CORPORATION
DARRELL S. TOWNSLEY
205 N. MICHIGAN AVE. SUITE 3700
CHICAGO, IL 60601

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927