

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)))))	ORDER SETTING GUIDELINES TC99-030
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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 considered whether to issue guidelines for LECs to follow when developing their intraLATA toll dialing 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. After discussion, the Commission voted unanimously to require the plans to contain the following information:

- 1) a description of how the LEC will offer dialing parity for each exchange and its proposed time schedule;
- 2) a proposal for timely notification of its subscribers and the methods it proposes to use to enable subscribers to select an intraLATA toll provider, including the language the LEC proposes to use in its customer notification letter. The proposals shall include notification to current customers and new customers who join the network after the implementation of dialing parity;
- 3) a LEC that is not a BOC must identify the LATA with which it will associate for the purposes of providing intraLATA and interLATA toll dialing parity;
- 4) a description of how carriers will be informed of the implementation process and schedule and how carriers may participate in the process; and
- 5) a description of how the LEC's business office will handle requests to change

carriers.

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.

It is therefore

ORDERED, that the Commission adopts the above-listed guidelines for intraLATA dialing parity plans and instructs LECs that believe they need cost recovery to file for cost recovery in a separate proceeding.

Dated at Pierre, South Dakota, this 2nd day of April, 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