

Telecommunications Orders - Issued 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE FILING BY CONSOLIDATED)	ORDER
TELEPHONE COOPERATIVE AND ITS WHOLLY)	APPROVING
OWNED SUBSIDIARY, CONSOLIDATED TELCOM, INC.,)	DIALING PARITY
FORMERLY KNOWN AS CTC COMMUNICATIONS, INC.)	IMPLEMENTATION
FOR APPROVAL OF PETITION FOR SUSPENSION AND)	PLANS
MODIFICATION OF DIALING PARITY)	
)	
)	TC99-042
)	

On April 20, 1999, Consolidated Telephone Cooperative and its Wholly Owned Subsidiary, Consolidated Telcom, Inc. formerly known as CTC Communications, Inc. filed for approval of their petition for suspension and modification of dialing parity. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. each have fewer than 2% of the nation's subscriber lines installed in the aggregate. Pursuant to 47 U.S.C. ' 251(f)(2), Consolidated Telephone Cooperative and Consolidated Telcom, Inc. petitioned the Commission for a suspension and modification of the requirement for implementation of intraLATA dialing parity in its service areas until June 30, 2000. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. stated that "[t]he grounds for the petition are that suspension and modification are: a) necessary to avoid imposing requirements that are unduly economically burdensome and infeasible, and b) consistent with the public interest, convenience and necessity. The compressed schedule mandated by the FCC's 1999 Order [CC Docket No. 96-98, Order adopted March 19 and released March 23, 1999, FCC 99-54] is burdensome and infeasible for small LECs to develop and administer plans for timely notification of their subscribers and interexchange carriers regarding subscribers' selection of intraLATA toll providers, and for small LECs to develop fully compensatory local exchange access rates to replace the current arrangement."

The Commission requested comments on Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s petition for suspension and modification. Commission Staff recommended denying the petition.

On June 4, 1999, Consolidated Telephone Cooperative and Consolidated Telcom, Inc. filed their petition for suspension and modification affidavit that they intended to file with the North Dakota Public Service Commission (NDPSC) for a June 15, 1999, hearing before the NDPSC. The companies requested that the Commission consider mirroring the outcome of the NDPSC hearing.

A June 22, 1999, meeting, the Commission considered whether to grant the petition. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-80 and 49-31-81, ARSD 20:10:32:39, and the federal Telecommunications Act of 1996, specifically " 251 and 252. Consolidated Telephone Cooperative and Consolidated Telcom, Inc. did not appear at the meeting. Commission Staff informed the Commission that the NDPSC had to delay its hearing until July so the NDPSC had not ruled on the issue yet. The Commission voted unanimously to grant Consolidated Telephone Cooperative and Consolidated Telcom, Inc. a suspension and modification until September 15, 1999. The Commission finds, pursuant to SDCL 49-31-81 and section 251(f)(2), the suspension and modification is necessary to avoid imposing a requirement that is technically infeasible since Consolidated Telephone Cooperative and Consolidated Telcom, Inc. have not yet begun to implement dialing parity pending the ruling on their petition for suspension and modification. The Commission further finds that the suspension and modification is consistent with the public interest, convenience, and necessity. In making this determination, the Commission notes that the suspension and modification that it granted is for a shorter time period than requested by the companies. The Commission finds that the companies' request for a suspension and modification until June 30, 2000, was not adequately justified by the companies. The Commission also ordered Consolidated Telephone Cooperative and Consolidated Telcom, Inc. to file a dialing parity implementation plan consistent with the Commission orders issued in Docket TC99-030 and any applicable FCC orders.

On August 9, 1999, the Commission received a letter from Consolidated Telephone Cooperative and Consolidated Telcom, Inc., requesting the Commission to consider mirroring the North Dakota Public Service

Commission order issued July 16, 1999, extending, until January 1, 2000, the suspension and modification of the requirements of dialing parity. In its letter, Consolidated Telephone Cooperative and Consolidated Telcom, Inc., stated that it would convert their South Dakota customers to a 2-Pic equal access environment on August 31, 1999. A regularly scheduled meeting on August 17, 1999, the Commission again ordered Consolidated Telephone Cooperative and Consolidated Telcom, Inc., to file a dialing parity plan by September 15, 1999, consistent with its prior orders.

A duly noticed meeting of November 15, 1999, the Commission considered this matter. Commission Staff stated that their concerns with the customer letter had not been addressed. Staff also reported that Consolidated Telephone Cooperative and Consolidated Telcom, Inc. had implemented its dialing parity plan on August 31, 1999. The Commission considered whether to approve Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended plans. The Commission voted unanimously to approve Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended intraLATA dialing parity implementation plans, however the Commission did not approve the customer letter. The Commission finds the plans comply with the applicable FCC and Commission orders.

It is therefore

ORDERED, that Consolidated Telephone Cooperative and Consolidated Telcom, Inc.'s amended dialing parity implementation plans are approved, however the customer letter was not approved by the Commission.

Dated at Pierre, South Dakota, this 8th day of December, 1999.

CERTIFICATE OF SERVICE	
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)	
BY ORDER OF THE COMMISSION:	

	JAMES A. BURG, Chairman

	PAM NELSON, Commissioner

	LASKA SCHOENFELDER, Commissioner

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