

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TOLL DIALING PARITY COMPLIANCE)	ADMINISTRATIVE
)	CASE NO. 380

O R D E R

In Administrative Case No. 323,¹ the Commission set forth guidelines for the implementation of intraLATA equal access and dialing parity.² The guidelines of the Commission include:

(1) A two-Presubscribed Interexchange Carrier
(PIC) approach to carrier presubscription is required;

(2) Cost recovery is limited to the incremental investment and incremental expenses directly related to providing intraLATA equal access; and

(3) New customers beginning service with a local exchange carrier after intraLATA equal access conversion may choose both interLATA and intraLATA toll carriers at the time local service is established.³

In accordance with these guidelines, incumbent local exchange carriers implemented equal access and dialing parity by July 1998.

¹ Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme For Completion of IntraLATA Calls By Interexchange Carriers, and WATS Jurisdictionality.

² Order of December 29, 1994.

³ Order of December 29, 1994.

The Federal Communications Commission ("FCC") has now required competitive local exchange carriers to implement equal access and dialing parity. In accordance with FCC orders, state commissions have until June 22, 1999 to review plans for dialing parity that have been submitted by carriers.⁴ The following carriers have filed dialing parity plans with the Commission: Community Telephone Corporation, ITC^DeltaCom, AT&T, Teleport Communications Group, Inc. (TCG), e.spire Communications, Inc., Teligent, Inc., and Hyperion Communications of Kentucky, Inc.⁵ In addition, Preferred Carrier Services, Inc. has filed a notice of its intention to seek a waiver concerning the filing requirements from the FCC.⁶

The plan filed by Community Telephone Corporation includes provisions for employee training in the system, full two-PIC carrier selection methodology, and cost recovery allowances for personnel training, customer notification, and implementation actions.⁷ The plan further contains information on the carrier notification method selected and any PIC change by a customer. Finally, Community Telephone Corporation wishes to recoup the initial cost of its implementation of intraLATA systems over a twelve-month period. The company will develop a per-minute rate based on identified costs divided by the total of all participating carriers minutes of use.

⁴ FCC Order, March 19, 1999, in CC Docket No. 96-98.

⁵ Filed with the Commission, respectively, on May 17, 1999; April 29, 1999; April 23, 1999; and April 22, 1999.

⁶ Filed with the Commission on April 23, 1999.

⁷ Application of Community Telephone Corporation for Approval of IntraLATA Toll Dialing Parity, filed May 17, 1999.

ITC^DeltaCom filed its plan with the Commission as well.⁸ This plan includes provisions for the use of PIC technology in switches, random order carrier lists for customer use, and fines for unauthorized PIC changes. However, ITC^DeltaCom has included in its plan a \$15.00 PIC Change Charge that will be billed to the carrier for each eligible line. This provision of the plan is unacceptable. By the Commission's Order in Administrative Case No. 323, dated December 29, 1994, the PIC change charge cannot exceed \$5.00.⁹

Both AT&T's and TCG's dialing parity plans allow for full two-PIC dialing parity.¹⁰ Both companies will provide customers with a randomly ordered list of carriers if requested. There will be no charge imposed on a customer who wishes to change his PIC selection or use an alternate carrier. Any carrier wishing to be listed as a provider of intraLATA toll or interLATA service may notify AT&T or TCG.

e.spire Communications has also submitted a detailed plan for dialing parity.¹¹ The company will implement full two-PIC capability for intraLATA and interLATA presubscription. Customers of e.spire will be notified of the option to select an alternative carrier for intraLATA toll service. Employees will receive training in the matter. Carriers who wish to provide intraLATA toll service within that LATA must

⁸ ITC^DeltaCom Kentucky IntraLATA Presubscription Implementation Plan, filed April 29, 1999.

⁹ Order of December 29, 1994 at Ordering & 21.

¹⁰ AT&T Digital Link Service Dialing Parity Implementation Plan, and TCG Dialing Parity Implementation Plan, filed April 23, 1999.

¹¹ e.spire Communications, Inc. IntraLATA Toll Dialing Parity, filed April 22, 1999.

provide e.spire with a list of exchanges in which they plan to offer such services; this must be done at least ninety days in advance of e.spire s implementation date.

Next, Teligent, Inc. has filed its dialing parity plan with the Commission.¹² It plans to offer a two-PIC carrier selection methodology. Customers will be notified of their option to select both an intraLATA and interLATA PIC, and a list of carriers will be provided at the customer s request.

Hyperion Communications of Kentucky, Inc. has structured a dialing parity plan that uses two-PIC technology.¹³ Any carrier who would like to participate must submit a request to do so to Hyperion. The company will not ballot or allocate its customers. Customers may select an alternative carrier if they wish. Carriers may allow Hyperion to process orders for PIC changes, or Hyperion will transfer customers to their selected carrier s toll-free number. Hyperion will charge a \$5.00 fee for PIC changes, and the fee will be billed to the customer. There will, however, be a ninety-day period after implementation during which customers may make changes without incurring any charge.

THEREFORE, the Commission HEREBY ORDERS that:

1. The Dialing Parity Plans of Community Telephone Corporation, AT&T, Teleport Communications Group, Inc., e.spire Communications, Inc., Teligent, Inc., and Hyperion Communications of Kentucky, Inc. are approved.

¹² Teligent, Inc. Dialing Parity Plan, filed April 22, 1999.

¹³ Hyperion Communications of Kentucky, Inc. IntraLATA Toll Dialing Parity Plan, filed April 22, 1999.

2. The Dialing Parity Plan of ITC^DeltaCom is approved, except for the provision designating a \$15.00 PIC Change Charge, which is denied. That charge cannot exceed \$5.00.

3. Within 20 days from the date of this Order, ITC^DeltaCom shall refile its plan reflecting the \$5.00 charge.

4. Within 30 days of this Order, Community Telephone Corporation, AT&T, Teleport Communications Group, Inc., e.spire Communications, Inc., Teligent, Inc., and Hyperion Communications of Kentucky, Inc. and ITC^DeltaCom shall file their tariffs regarding this matter.

Done at Frankfort, Kentucky, this 18th day of June, 1999.

By the Commission

ATTEST:

Executive Director