

BEFORE THE TENNESSEE PUBLIC SERVICE COMMISSION

May 22, 1996

Nashville, Tennessee

**IN RE: PETITION OF TENNESSEE PAYPHONE
OWNERS ASSOCIATION FOR IMPLEMENTATION
OF DIAL-AROUND COMPENSATION**

Docket No. 94-00994

ORDER

This matter is before the Commission upon its own motion. On April 8, 1994, the above captioned petition was filed. On May 20, 1994 BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company filed for intervention. Said intervention was granted on May 31, 1994. On June 7, 1994, MCI Telecommunications Corporation filed for intervention, which was granted on June 10, 1994. On July 28, 1994, the Consumer Advocate Division, Office of the Attorney General filed for intervention, which was granted on August 8, 1994. The Payphone Association or petitioner has not pursued a hearing on this matter since the interventions were granted.

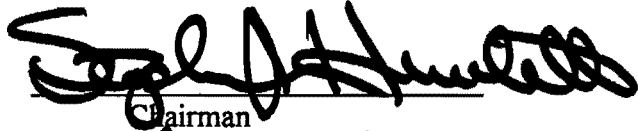
The petitioner seeks a dial-around compensation plan on an intrastate-state basis wherein Interexchange Carriers (IXCs) would be required to compensate petitioner's members either on a monthly or usage sensitive basis for intrastate toll calls completed by IXC customers. The petition states that its members' payphones have to allow access to all IXCs certified by the Commission pursuant to Commission Rule 1220-4-2 .45. When callers select a carrier, other than the pre-selected carrier of the payphone, the petitioner states that there is no intrastate mechanism to compensate the owner of the payphone for its use in completing the call. The petitioner suggests that the Commission should order a method of compensation like that adopted by the Federal Communications Commission (FCC) on an interstate basis.

On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996. The Act codified as 47 U.S.C. 151 et. seq. at Sec. 276 (b) (1) appears to discontinue the intrastate and interstate access charge payphone service elements and payments in effect on the date of enactment, requiring the FCC to establish a per call compensation plan for intrastate and interstate calls within nine months of enactment. Counsel for petitioner has been advised of these provisions of the Act and of the Commission's desire to close dormant dockets and has raised no objection. Wherefore the

Commission finds that this petition should be dismissed without prejudice and the docket closed.

IT IS THEREFORE ORDERED THAT:

1. The above captioned petition is dismissed without prejudice and this docket is hereby closed;
2. Any party aggrieved with the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within ten (10) days from and after the date of this Order;
3. Any party aggrieved with the Commission's decision in this matter has a right of judicial review by filing a petition with the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


Chairman

ATTEST:


Executive Director


Commissioner


Commissioner