

BEFORE THE TENNESSEE REGULATORY AUTHORITY

SEP - 4 1997

NASHVILLE, TENNESSEE

IN RE:

**UNITED TELEPHONE-SOUTHEAST, INC.
TARIFF NO. 96-201 TO REFLECT ANNUAL
PRICE CAP ADJUSTMENT**

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**Docket No.
96-01423**

ORDER APPROVING IN PART AND DENYING IN PART TARIFF NO. 96-201

This matter is before the Tennessee Regulatory Authority ("Authority") upon receipt of the above captioned tariff filing by United Telephone-Southeast, Inc. ("United" or the "Company"). The tariff was originally filed September 12, 1996, with a proposed effective date of October 15, 1996. By various Orders of the Authority, the tariff was suspended until June 6, 1997.

The filing was made pursuant to Tenn. Code Ann. § 65-5-209(e). This Section permits price regulated telephone companies such as United to adjust prices for Non-Basic services so long as the annual adjustments do not exceed certain limitations imposed by Tennessee law. The filing sought approval of revenue adjustments which result from a proposed charge for directory assistance and proposed reductions in certain access charge rates.

Petitions to intervene were filed by the Consumer Advocate Division, Office of the Attorney General ("Consumer Advocate" or "Advocate"), Citizens Telecommunications Company of Tennessee, L.L.C. ("Citizens"), BellSouth Telecommunications, Inc., ("BellSouth"), and AT&T Communications of the South Central States, Inc. ("AT&T"). All of the Petitions to intervene were granted.

By Order and Notice dated December 5, 1996, the Authority appointed Chairman Lynn Greer as Hearing Officer. Pre-Hearing Conferences were held in the above-captioned matter on Tuesday, December 10, 1996, Tuesday, December 17, 1996, and Tuesday, January 14, 1997, in Nashville, Tennessee. The parties were represented by counsel as follows:

JAMES B. WRIGHT, Senior Attorney, United, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900, appearing on behalf of United.

L. VINCENT WILLIAMS, Consumer Advocate, 426 Fifth Avenue N., 2nd Floor, Cordell Hull Building, Nashville, Tennessee 37243-0500, appearing on behalf of the Consumer Advocate.

GUY M. HICKS, General Counsel-Tennessee, BellSouth Telecommunications, Inc., 333 Commerce Street, Suite 2101, Nashville, Tennessee 37201-3300, appearing on behalf of BellSouth.

RICHARD M. TETTELBAUM, Associate General Counsel, Citizens Telecommunications Company of Tennessee, L.L.C., Suite 500, 1400 16th Street, N.W., Washington, DC 20036, appearing on behalf of Citizens.

JOHN KNOX WALKUP, and VAL SANFORD, Gullett, Sanford, Robinson & Martin, 230 Fourth Avenue North, 3rd Floor, Nashville, TN 37219-8888, and JIM LAMOUREAX, Attorney, AT&T Corporation, 1200 Peachtree Street, NE, Atlanta, GA 30309, appearing on behalf of AT&T.

At the December 10, 1996, Pre-Hearing Conference, the parties agreed that a Protective Order was appropriate for use in this proceeding. A proposed Protective Order was submitted to the parties herein for approval. Subsequent to approval by the parties, the Protective Order was approved by the Authority at its December 17, 1996, Agenda Conference. Extensive discovery was conducted by the parties throughout the proceedings pursuant to agreed upon schedules.

The parties met informally on different occasions in an attempt to reach agreement with respect to the methodology for calculating the maximum annual price adjustment.

Preliminary agreement as to methodology was reported to the Hearing Officer at the December 17, 1996, Pre-Hearing Conference. By letter dated January 27, 1997, a written Stipulation among all the parties as to certain aspects of methodology was submitted to the Hearing Officer for approval. The Stipulation was recommended for approval by the Hearing Officer in his Initial Order dated January 27, 1997, and approved by the Authority at its February 4, 1997, Authority Conference.

On January 28, 1997, United filed revised tariffs and supporting data to reflect the agreed upon methodology contained in the Stipulation. In the revised filing, United calculated a maximum annual adjustment of \$67,151. United's revised tariffs proposed a directory assistance charge of 29 cents per inquiry for residence and business access lines, with an allowance of three inquiries per billing period without a charge. A customer could inquire and receive two numbers during each inquiry. The directory assistance charge was designed to increase revenues by \$1,167,063.

United also proposed a reduction in certain access charges. The Company proposed a reduction in the switched access interconnection charge of \$296,252 decreasing the rate from .00348 cents to .002058 cents per minute of use. United additionally proposes a reduction in the carrier common line terminating rate of \$803,660 decreasing it from .025110 cents to .018570 cents per minute of use. The parties prefiled testimony pursuant to an agreed schedule. Direct testimony was filed February 14, 1997, rebuttal testimony was filed February 21, 1997, and surrebuttal testimony was filed February 26, 1997. A hearing was held on March 11, 1997, pursuant to the Authority's February 28, 1997, Order and as set forth in the Authority's February 24, 1997, Notice of Hearing.

At the close of the March 11, 1997, hearing, the parties were instructed to file post-hearing briefs regarding the legislative history of Tenn. Code Ann. § 65-5-208 as it related to directory assistance. In response to the Authority's request, various briefs, motions and other pleadings and documents were filed by the parties. The resolution of the motions and the disposition of the briefs and other pleadings were addressed in the Authority's Order dated May 1, 1997. The May 1, Order limited the filing of post-hearing briefs to the directory assistance issue as originally requested by the Authority.

On May 20, 1997, the Directors considered the issues raised in this case. Chairman Greer, as Hearing Officer, read the charges of law to the Directors pursuant to the provisions of Tenn. Code Ann. § 4-5-301. The Hearing Officer identified eight issues. The Directors' discussion, findings of fact, and conclusions of law as to the standards to be followed under the price regulation statutes, the appropriate annual revenue adjustment and the eight identified issues were as follows:

Price Regulation

United elected to be regulated as a price regulated company effective October 15, 1995, as set forth in the Tennessee Public Service Commission's Orders dated September 20, 1995, and October 13, 1995, in Docket No. 95-02615. This election was authorized by the enactment of Public Chapter 408 that became effective on June 6, 1995 (the "Act").

The maximum annual increase in rates permitted by United as a price regulated company is governed by Tenn. Code Ann. § 65-5-209(e) which reads as follows:

(e) A price regulation plan shall maintain affordable Basic and Non-Basic rates by permitting a maximum annual adjustment that is capped at the lesser of one half (1/2) the percentage

change in inflation for the United States using the gross domestic product-price index (GDP-PI) for the preceding year as the measure of inflation, or the GDP-PI from the preceding year minus two (2) percentage points. An incumbent local exchange telephone company may adjust its rates for Basic local exchange telephone services or Non-Basic services only so long as its aggregate revenues for Basic local exchange telephone services or Non-Basic services generated by such changes do not exceed the aggregate revenues generated by the maximum rates permitted by the price regulation plan.

This Section permits a price regulated company to increase rates for Basic or Non-Basic services by an amount equal to the lesser of one half the inflation rate or the inflation rate less two percent. Consistent with the Stipulation and based on the methodology approved by this Authority herein, the Authority finds that the maximum annual revenue adjustment for United for the twelve month period October 15, 1995, to October 14, 1996, is .4 percent or \$67,151 annually.

Although the foregoing Section of the Act permits increases in both Basic and Non-Basic services, another provision of Tennessee law prohibits a price regulated company from increasing Basic services for the first four years it operates under price regulation. This limitation is in Tenn. Code Ann. § 65-5-209(f). Since United is proposing increases relating to its second year as a price regulated company, the limitation in Tenn. Code Ann. § 65-5-209(f) applies to United's Basic service rates. It is thus critical to determine whether a service is Basic or Non-Basic in order to determine the amount of the maximum annual adjustment permitted for each category of service. Tenn. Code Ann. § 65-5-208(a) defines these terms as follows:

(1) **Basic local exchange telephone service** are telecommunications services which are comprised of an access line, dial tone, touch-tone and usage provided to the premises for the provision of two-way switched voice or data transmission over voice grade facilities of residential customers or business customers within a local calling area,

Lifeline, Link-Up Tennessee, 911 Emergency Services and educational discounts existing on June 6, 1995, or other services required by state or federal statute. These services shall, at a minimum, be provided at the same level of quality as is being provided on June 6, 1995. Rates for these services shall include both recurring and nonrecurring charges.

(2) **Non-Basic services** are telecommunications services which are not defined as basic local exchange services and are not exempted under subsection (b). . .

Issue 1: Methodology

The parties to this docket filed a stipulation on January 27, 1997, in which they agreed to the methodology and formula for use in calculating the amount of the annual price cap adjustment pursuant to Tenn. Code Ann. § 65-5-209(e). The methodology set forth is essentially the same as proposed by the staff of the Tennessee Public Service Commission for proposed new rule Chapter 1220-4-8, the local competition rules in 1995.

The Authority approves the methodology and formula for use in calculating the amount of the annual price cap adjustment pursuant to T.C.A. 65-5-209(e) as stipulated to by the parties to this docket.

Issue 2: Five Line Tariff

The first matter considered by the Directors on May 20, 1997, concerned a tariff filing by United, separate from this proceeding, which limited the number of access lines that could be charged a residential rate, to five per location.¹ A substantially identical proceeding involving a BellSouth tariff is pending in Docket No. 96-01422. The Directors

¹ As background, the five-line tariff, tariff number 95-217 was approved by the Tennessee Public Service Commission in October of 1995.

concluded that the Consumer Advocate Division's concerns regarding United's five line tariff was not properly before the Authority in this proceeding and the Consumer Advocate Division could pursue its concerns regarding United's tariff in a separate complaint and/or in the pending Docket No. 96-01422.

Issue 3: Secretarial Lines

When the Act went into effect on June 6, 1995, United had a tariff in effect regarding secretarial lines that provided, in Section U2.3.5(c)6, that a residence rate would apply to "secretarial line terminations of residence main service terminating as extension lines on the premises of a telephone answering bureau." On October 25, 1995, after United had entered into price regulation, the company revised its tariffs regarding residence and business classifications. This revision omitted the language previously contained in Tariff Section U2.3.5(c)6. The Authority finds that United is obligated to interpret and apply the provisions of Section U2.3.5 as contained in its October 25, 1995, tariff in a manner consistent with the tariff language contained in its tariff Section U2.3.5(c)6 as in effect on June 6, 1995.

Issue 4: ABC Service and Centrex Service

United offered a central office based business service called Advanced Business Connection Service ("ABC Service") on the date the Act went into effect, that is, on June 6, 1995. As the result of a complaint filed by a United business customer, a contested case regarding United's ABC Service was initiated (Docket No. 96-00462). Following an investigation and a hearing, a final Order was rendered by the Authority on October 3,

1996. The Authority entered a Supplemental Order dated January 22, 1997, modifying and approving a stipulation between the parties regarding ABC Service. These Orders required United, among other things, to revise the terms of its central office based service offering. United filed a tariff in response to these Orders. The subsequent tariff included the grandfathering of ABC Service and a revised service offering called Centrex. This tariff was approved by the Authority in Docket No. 96-01492 by Order dated January 22, 1997.

Copies of United's proposed tariffs to obsolete ABC Service and to introduce Centrex Service were originally filed in September, 1996, with a revision filed in December, 1996. The initial filing was served on the Consumer Advocate Division when filed. The Consumer Advocate Division did not intervene or otherwise participate in these filings at the time they were under consideration by the Authority. The Consumer Advocate Division has now raised a concern regarding whether approval of the Centrex tariff constituted an improper increase of a Basic service contained in the ABC Service tariff. The Authority finds that the Centrex Service is a unique bundling of products and pricing arrangements and therefore was not a service offered on June 6, 1995. As a new service, the Centrex tariff was specifically considered and approved by the Authority in a prior Docket and not found to be contrary to law. Accordingly, there is no legal support for the concern raised by the Consumer Advocate, and its complaints regarding United's obsoleting ABC Service and introducing Centrex Service. Therefore, the Advocate's complaints are hereby denied.

Issue 5: 911 Services

United proposed treating certain service elements of 911 Emergency Services as Non-Basic services. Specifically, United treated Automatic Number Identification (ANI), Automatic Location Identification (ALI), and Selective Routing as Non-Basic services. The Consumer Advocate contended all elements of 911 emergency services were Basic services under the Act, which specifically listed 911 emergency services as a basic local exchange service under Tenn. Code Ann. § 65-5-208. Section 65--5-208(a) of the Act states in relevant part:

“Basic local exchange telephone services” are telecommunications services which are compromised of an access line, dial tone, touch-tone and usage provided to the premises for the provision of two-way switched voice or data transmission over voice grade facilities of residential customers or business customers within a local calling area, ***Lifeline, Link-Up Tennessee, 911 Emergency Services and educational discounts existing on June 6, 1995, or other services required by state or federal statute.*** These services shall, at a minimum, be provided at the same level of quality as is being provided on June 6, 1995. Rates for these services shall include both recurring and nonrecurring charges. (Emphasis Added”).

United's position was that in order for a service to be Basic service, it must have an access line, dial tone, touch-tone and usage. Since ANI, ALI and Selective Routing are features which do not contain all four elements, United concluded they could not be a part of Basic Services. United further argued that this provision sets forth everything that competing telecommunications service providers must offer when offering Basic local exchange service, and the only requirement with respect to 911 is to provide access to 911 emergency service, and not other elements or features. As a consequence, United argued, other elements and features associated with emergency services such as ANI and ALI are not a part of Basic service.

After careful consideration of the arguments of both parties, the evidence in the record, and the language of the statute in question, the Authority finds that notwithstanding the company's interpretation of this statute, the specific language in Tenn. Code Ann. § 65-5-208 is clear and unequivocal when it states that 911 Emergency Services are categorized as a Basic service. It appears from the plain language of these statutes that the legislature did not intend to limit 911 services to mere access to an operator, but instead wanted to provide access to all services associated with 911. Accordingly, the Authority concludes that 911 emergency services, including features such as ANI, ALI and Selective Routing, are Basic services under the Act.

Issue 6: Educational Discounts

Similar to the issue regarding 911 Emergency Services, United contended that a portion of the lines and features which were included as a part of its educational discounts offered on June 6, 1995, were Non-Basic services. United specifically argued that the private lines which were subject to educational discounts on June 6, 1995, were Non-Basic services. United again relied on its interpretation of Section 65-5-208 arguing that a Basic service must have an access line, dial tone, touch-tone and usage.

The Consumer Advocate asserted that all educational discounts existing on June 6, 1995, constitute Basic service as defined in Tenn. Code Ann. § 65-5-208. The Authority rejects United's arguments and accepts the Advocate's assertion that the General Assembly intended educational discounts to be classified as Basic service. In fact, the statute is clear and unambiguous because it specifically includes educational discounts in the list of services comprising basic local exchange telephone services.

Issue 7: ABC Service Lines

United contended that for its ABC Service, those lines in excess of the number of Network Access Registers ("NAR") should be considered as part of Non-Basic service. These ABC Service lines were considered by United as intercom lines. United distinguished intercom lines from access lines in that intercom lines did not allow connection to the switched network. Only when an ABC Service line was associated with a NAR did United believe the line had access to dial tone, usage and touch-tone into the local calling area under its interpretation of Tenn. Code Ann. § 65-5-208.

The Consumer Advocate Division witness noted that United's ABC Service tariff made no mention of an intercom line. The witness contended that all ABC Service are Basic, noting that all ABC Service lines were treated the same, based on the language United developed and placed in its tariff. In addition, the Company witness acknowledged that data transmission could occur using any of the ABC Service lines.

Although United's current tariffs or tariffs in effect on June 6, 1995, did not contain any rate or reference to ABC Service intercom lines, it now attempts to introduce a distinction between ABC Service lines with a NAR and those without a NAR. While a NAR is required to complete a call from an ABC line, a NAR is not directly associated with any one line. Therefore, all ABC Service lines have the same functionality for making and receiving outside calls. Thus, the Authority finds that allowing this distinction and subsequent classification of access ABC Service lines as a Non-Basic service is an indirect method of raising rates on an otherwise basic service. Accordingly, the Authority finds that all ABC lines with or without a NAR are Basic service.

Issue 8: Directory Assistance

United proposed a charge for directory assistance as Non-Basic service in this filing because, in its opinion, language in Tenn. Code Ann. § 65-5-208(a)(1) did not explicitly classify directory assistance as a Basic service. The Consumer Advocate argued that directory assistance was a part of Basic service when United entered price regulation on June 6, 1995. As a result, the four (4) year price cap limitation prohibited United from charging for directory assistance, since the rate on June 6, 1995, was zero.

Tenn. Code Ann. § 65-5-208(a)(1) of the Act defines Basic local exchange telephone service as "...an access line, dial tone, touch-tone, and usage provided to the premises for the provision of two-way switched voice or data transmission within a local calling area, Lifeline, Link-Up Tennessee, 911 emergency services, and educational discounts existing on June 6, 1995, or other services required by state or federal statute." United maintained that this definition contains no reference to directory assistance. Further, United cited Tenn. Code Ann. § 65-4-124(c) in support of its position on directory assistance.

Tenn. Code Ann. § 65-4-124(c) provides that the TRA shall promulgate rules that will "ensure that all telecommunication service providers, [such as United,] who provide basic local exchange telephone service or its equivalent shall provide each customer a basic White Pages directory listing, access to 911 Emergency Services, free blocking for 900/976-type services, access to telecommunications relay services, Lifeline, Link-Up, . . . and educational discounts existing on June 6, 1995." Directory assistance is not listed in Tenn. Code Ann. § 65-4-124(c).

Due to the omission by the legislature of the words "directory assistance" from the language of Tenn. Code Ann. §§ 65-4-124(c) and 65-5-208(a)(1), United maintained that directory assistance does not meet the statutory definition for Basic local exchange telephone service. According to United, it is properly identified as a Non-Basic service as defined in Tenn. Code Ann. § 65-5-208(a)(2), and as such is subject to a possible increase in price in accordance with Tenn. Code Ann. § 65-5-209(e).

The Consumer Advocate Division claimed that directory assistance is a Basic service under the term "usage" as found in Tenn. Code Ann. § 65-5-208(a)(1). Mr. Hickerson of the Consumer Advocate Division stated that, "Usage of directory assistance was included when a customer subscribed to either residential or business service and paid the Basic local exchange service rate as provided under the company's tariff approved by the Tennessee Public Service Commission."² He further stated that, "If the company now charges for directory assistance on a usage-sensitive basis, the customer is no longer receiving the level of service that was being provided when the customer paid the Basic rate charge on or before June 6, 1995."³ Thus, it was also the position of the Consumer Advocate that this alleged change in level of service violated Tenn. Code Ann. § 65-5-208(a)(1).

United rejected the Consumer Advocate Division's argument that the term "usage" in the statute has the meaning of usual, habitual, customary, or accepted practice. The company maintained that usage is solely related to a subscriber's access to the public switch network.

² See pages 13-14 of Mr. Hickerson's pre-filed direct testimony, filed on February 14, 1997.

³ See pages 14-15 of Mr. Hickerson's pre-filed direct testimony, filed on February 14, 1997.

Additionally, United disagreed with the Consumer Advocate Division's suggestion that price changes cause erosion in the level of quality of the service. United's witness, Mr. Parrott, testified that, "If a price change were to be judged as a change in the level of quality offered by the company, Tennessee law would not allow for any price changes. However, this is contrary to Tennessee law. Tenn. Code Ann. § 65-5-209 specifically permits and describes how price adjustments can be made for both Basic and Non-Basic services."⁴

Both the Consumer Advocate Division and United raised reasonable arguments regarding the statutory language in question. Under Tennessee law, when a statute is not clear on its face and thus ambiguous, resort may be made to the legislative history.⁵ When confronted with statutory language that conveys more than one meaning, courts may consider the legislative debate surrounding the statute's enactment.⁶

It is evident from the legislative transcripts of floor debates submitted by the parties that the intent of the Tennessee General Assembly was to exclude directory assistance as a Basic service. One of the reasons for this exclusion, based on the legislative history, was that directory assistance was thought to be a competitive service.

The legislative transcripts of floor debates submitted by each of the parties revealed that the legislators who chose to speak on the issue of whether directory assistance was a Basic or Non-Basic service, including but not limited to Senators Rochelle and Gilbert, each understood that under the language of what is now the law,

⁴ See page 3 of Mr. Parrott's pre-filed rebuttal testimony, filed on February 24, 1997.

⁵ See City of Oak Ridge v. Roanne County, 563 S.W.2d 895, 899 (Tenn. 1978).

⁶ See In Re Conservatorship of Clayton, 914 S.W.2d 84, 90 (Tenn. App. 1995) and Owens v. State of Tennessee, 908 S.W.2d 926 (Tenn. 1995).

directory assistance was not a Basic service. For example, as set forth in the brief of the Consumer Advocate regarding directory assistance, Senator Gilbert stated that with respect to whether the bill would allow telecommunication service providers to charge for directory assistance, "I think the answer is under this bill they be permitted to do it without PSC approval."⁷ Comments by other legislators support the understanding articulated by Senator Gilbert.

Additionally as set forth in the post hearing brief of United, the floor comments of Representative Purcell clearly show that the "level of quality" phrase in Tenn. Code Ann. § 65-5-208(a)(1) was intended to ensure the integrity of voice and data transmissions over the public network as opposed to prohibiting an increase in price. Accordingly, the Authority by majority vote concludes that directory assistance is a Non-Basic service under state law, with Director Kyle dissenting.

United's proposed tariff for directory assistance provides for three free inquiries with up to two numbers per inquiry per monthly billing period for residential and business access lines. After the first three inquiries, a charge of 29 cents will be applied per inquiry.

United's proposed tariff also provided that residence customers unable to use the telephone directory due to a visual or physical disability that has been confirmed by a physician, appropriate group, or agency, and inquiries made from pay telephone service locations are exempt from directory assistance charges. The Consumer Advocate Division pointed out, however, that United's exemption from directory assistance charges

⁷ See the floor debate transcripts regarding Senate Bill 891 at page 39, attached as Exhibit 1 to the brief of BellSouth Telecommunications, Inc., filed on March 21, 1997. The Directors took official notice of the legislative history (which includes the transcripts of the floor debates) without objection by the parties at the Authority Conference held on May 20, 1997.

to individuals with visual or physical disabilities does not extend to those individuals' places of employment.

Additionally, the Consumer Advocate Division pointed out, and the company did not disagree, that at any given point during the year, there are some listed phone numbers that are not available in printed directories. Accordingly, the Authority finds that the company's directory assistance tariff be amended and that United file revisions to its directory assistance tariff to include an increase in the directory assistance free call allowance up to six inquiries with an allowance of two telephone numbers per inquiry for residence and business access lines per billing period to mitigate the effect of the unavailability of listed numbers in printed directories.

Further, the Authority orders that United extend the exemption from directory assistance charges for customers unable to use the telephone directory due to a visual or physical disability that has been confirmed by a physician, appropriate group, or agency to their places of business. United shall provide an additional exemption from directory assistance charges for residential customers who are 65 years or older upon request and with satisfactory proof of age.

The Authority also orders that United inform customers about its printed directory policy for local calling areas through directory assistance preamble, annual bill inserts, and press releases; and, that United inform customers about the new charges for directory assistance by providing a recorded message at the outset of the directory assistance call and by allowing the customer to hang up without incurring a charge for a period of three months after the effective date of this tariff in addition to issuing bill inserts and press releases about the new charges.

The Authority also directs that the staff follow-up with IXCs to assure the flow-through of all access rate reductions in a manner consistent with existing Authority policy and shall recommend further action by the Authority, if necessary. Additionally, by majority vote, the Authority hereby approves United's tariff with the above stated amendments, with Director Kyle dissenting.

IT IS THEREFORE ORDERED:

1. That a complaint regarding United's five line and above tariff is more properly a matter to be addressed in a separate complaint and/or Docket No. 96-01422;
2. That United is obligated to interpret and apply the provisions of Section U2.3.5 as contained in its October 25, 1995, tariff in a manner consistent with the tariff language contained in its tariff Section U2.3.5(c)6 as in effect on June 6, 1995.
3. That United's tariff revisions to obsolete ABC service and introduce Centrex service in Docket 96-01492 are legal;
4. That 911 emergency services, including ANI, ALI and Selective Routing, are considered Basic services under Tenn. Code Ann. § 65-5-208(a);
5. That all educational discounts are considered Basic services under Tenn. Code Ann. § 65-5-208(a);
6. That all ABC Service lines, whether or not associated with a NAR, are considered Basic services under Tenn. Code Ann. § 65-5-208(a);
7. That directory assistance is a Non-Basic service under Tenn. Code Ann. § 65-5-208(a) and that United shall comply with the notice requirements set forth above in connection with its implementation of a directory assistance charge;

8. That the methodology to be applied in determining the maximum annual price adjustment for United under Tenn. Code Ann. § 65-5-209 is the methodology hereinabove approved;

9. That United shall file revisions to the classification of Basic and Non-Basic service revenues in the calculation of the maximum annual revenue adjustment as ordered above and these revisions will be reflected in the revised tariffs filed by United;


10. That United shall file revised directory assistance and access charge tariffs reflecting revisions consistent with this Order;

11. That any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order; and

12. That any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.


CHAIRMAN

DIRECTOR


DIRECTOR

ATTEST:


EXECUTIVE SECRETARY

*** Director Kyle concluded that directory assistance is a basic service and as a result, voted not to approve United's tariff.