

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 27, 2000

IN RE:

**PETITION OF BEN LOMAND COMMUNICATIONS,
INC. FOR APPROVAL OF AN INTRALATA TOLL
DIALING PARITY PLAN**

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DOCKET NO. 99-00258

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on January 11, 2000, at a regularly scheduled Authority Conference, to consider the Petition of Ben Lomand Communications, Inc. ("Ben Lomand") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251(b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act in sections 251(f)(1) and 251(f)(2) allows state commissions to approve a modification or suspension of dialing parity rules for carriers with fewer than 2% of the total access lines nationwide. The requirements

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

for granting the modification or suspension are that the modification or suspension will allow the carrier to prevent a condition that will be economically burdensome, or that is technically infeasible, or will allow avoidance of an adverse economic impact and is consistent with the public interest.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order, the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999 was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Ben Lomand Communications, Inc. is a Competing Local Exchange Carrier that has been approved to operate in Tennessee under Tenn. Code Ann. § 65-4-201. On June 22, 1999, the Authority granted Ben Lomand a delay in implementing intraLATA Toll Dialing parity. Specifically, Ben Lomand requested to be allowed to delay the submission of an intraLATA toll dialing parity implementation plan until sixty (60) days prior to offering local service. The Authority granted to Ben Lomand's request pursuant to Section 251(f)(2) of the Telecommunications Act of 1996.

Ben Lomand filed its IntraLATA Toll Dialing Parity Implementation Plan on April 22, 1999. The Plan was amended on November 16, 1999. The Plan as amended, containing Ben Lomand's Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.

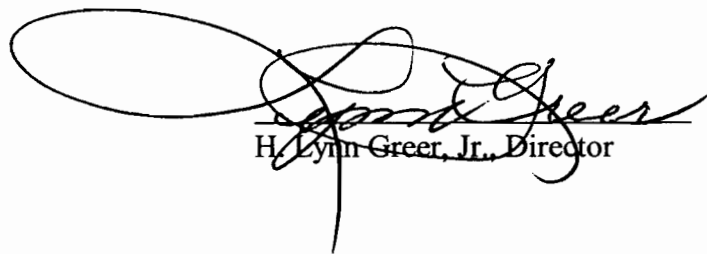
The Directors considered Ben Lomand's Plan at the January 11, 2000 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁴ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; and customer notification/education procedures. The Directors voted unanimously to approve Ben Lomand's Toll Dialing Parity Plan as amended, with the requirement that Ben Lomand comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

⁴ FCC Order 96-333 released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54 released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Ben Lomand Communications, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;
2. Ben Lomand Communications, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and
3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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IN RE:)	
)	
PETITION OF BEN LOMAND COMMUNICATIONS,)	EXECUTIVE SECRETARY
INC. FOR APPROVAL OF AN INTRALATA TOLL)	Docket No. 99-00258
DIALING PARITY IMPLEMENTATION PLAN)	

REVISED RESUBMITTED PLAN

Ben Lomand Communications, Inc. (BLC) does pursuant to order of the Tennessee Regulatory Authority granting BLC's motion to delay implementation of IntraLATA Toll Dialing Parity Implementation Plan which was unanimously approved at the Authority's June 22, 1999, conference, hereby file as Exhibit 2 to its original petition, which was filed April 16, 1999, a revised resubmitted IntraLATA Toll Dialing Parity Implementation Plan to be considered by the Authority in lieu of the original plan filed as Exhibit 1 on April 16, 1999.

Ben Lomand Communications, Inc. as of the date of the filing of this revised resubmitted plan has lines in place in a portion of McMinnville, Tennessee, and due to the very favorable weather and good working conditions over the past 45 days, there is a possibility of service being offered on a limited scale within the 60-day period following the filing of this request.

PREMISES CONSIDERED, PETITIONER PRAYS:

1. That the Tennessee Regulatory Authority accept this revised resubmitted petition, and upon hearing or its own motion, consider and approve the IntraLATA Toll Dialing Parity Implementation Plan set out as Exhibit 2 to the original petition **which** is attached to this request.

2. That the Authority grant the Petitioner, Ben Lomand Communications, Inc., such other, further, and general relief as the Authority might consider it entitled to under the premises.

DATED: This 10th day of November, 1999.

Respectfully submitted,

BEN LOMAND COMMUNICATIONS, INC.

By: James W. Dempster
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McMinnville, TN 37111
Phone No.: (931) 473-4934
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BEN LOMAND COMMUNICATIONS, INC.

Revised - Resubmitted

IntraLATA Toll Dialing Parity Implementation Plan

June 1, 1999

Implementation Date

BEN LOMAND COMMUNICATIONS, INC.

McMinnville, Tennessee

November 10, 1999

Exhibit 2 to the Petition of BEN LOMAND COMMUNICATIONS, INC. to the
Tennessee Regulatory Authority for Approval of the subject plan.

I. Purpose

Ben Lomand Communications, Inc. (BLC) has described herein the process for implementing intraLATA toll dialing parity in the BLC exchanges located in the state of Tennessee. The intent of this Plan is to provide a proposal that, upon implementation, would provide customers the ability to select the telecommunications carrier of their choice for routing their intraLATA toll calls.

II. IntraLATA Environment

BLC expects to provide service to customers within the next thirty (30) days. At the time customers receive service, they will be able to subscribe to the carrier of their choice for intraLATA as well as interLATA service (two-PIC subscription capability.) Customers will dial 1+ the area code and number to complete calls using their subscribed carrier. If customers wish to complete a call using a carrier other than their subscribed carrier, they will need to dial the carrier's access code.

Each end office switch will be equipped with the capability of allowing each end user subscriber to select "no-PIC" as a valid intraLATA subscription selection. Customers selecting "no-PIC" as their subscribed carrier will not be able to make intraLATA toll calls on a 1+ or 0+ dialed basis. Such customer will need to dial an access code each time he or she makes an intraLATA call.

In 1992, toll-free intraLATA county-wide calling was initiated for all Local Exchange Carrier's via an order from the Tennessee Public Service Commission. BellSouth currently maintains tax-code billing tables to identify "free-county-wide" intraLATA toll calls originated by BLC intraLATA toll customers and to ensure that billing does not occur on these calls. BLC will continue to process toll-free intraLATA county-wide calls in this manner for toll customers after implementation of intraLATA toll dialing as long as technically feasible.

III. Implementation Schedule

BLC will provide intraLATA toll dialing parity in Tennessee at the time customer service is available.

IV. Carrier Selection Procedures

BLC will implement the full Two-PIC (Primary Interexchange Carrier) carrier selection methodology. With the full two-PIC methodology, customers will be able to subscribe to one telecommunications carrier for interLATA toll calls and subscribe to the same or a different participating telecommunications carrier, for all intraLATA toll calls.

BLC employees who communicate with the public, accept customer orders, and serve in customer service capacities will be trained to explain to customers the process for making PIC changes for intraLATA toll calls. Business Office personnel and the Customer Account Records system will be prepared to make changes in customer records based upon requests from customers or carriers and direct customers to their chosen intraLATA carriers. Processes will be in place to provide customers with an opportunity to choose their intraLATA toll carrier from a list of available carriers.

New Installation Customers

BLC customer contact representatives will be provided discussion guidelines that will provide a new customer with the following information:

1. Inform the customer that a choice of intraLATA toll providers is now available to him or her.
2. Offer to read the customer a list of available carriers in randomly generated order.
3. Advise the customer that various carriers provide intraLATA toll service.

Customers who do not make a positive choice for an intraLATA toll carrier will be notified that they will not be automatically defaulted to a carrier and will be required to dial an access code to place intraLATA toll calls until they make an affirmative choice for an intraLATA toll carrier.

V. Carrier Notification

Interexchange carriers will be notified of BLC intraLATA toll dialing parity implementation via Certified U. S. Mail at the same time they are notified of the in service date of the C-LEC operation. Certified carriers who enter the market after implementation will be added to the list of participating carriers within 30 days of notifying BLC.

BLC will offer BLC Listed Name and Address and BLC Change Activity Register services for the purpose of assisting the carrier's marketing efforts in connection with marketing their telecommunications services. BLC Listed Name and Address service provides a list of customers available for subscription within BLC central offices. The data base is updated monthly.

VI. Operator Services and Directory Assistance

Access to Operator Services and Directory Assistance will continue to be available through the customer's local exchange carrier or interLATA carrier. No industry standard exist for access to Operator Services and Directory Assistance unique to intraLATA services. For Operator Services, customers dial "0" to reach their local exchange operator and "00" to reach their interLATA operator. For Directory Assistance, customers dial "1-411" for accessing the local exchange Directory Assistance and dial "1-NPA-555-1212" for accessing their interLATA carrier's Directory Assistance.

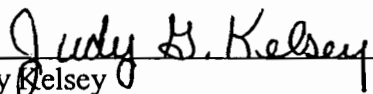
VII. Cost Recovery

BLC does not request any cost recovery since intralata dialing parity will be implemented with the offering of service.

VIII. Statement of Compliance

BLC will comply with all rules of the FCC and the TRA.

Executed as of the 10th Day of November, 1999



Judy Kelsey
Operations Manager

COPY

BEFORE THE
TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

RECEIVED
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EXECUTIVE SECRETARY

IN RE:)
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PETITION OF BEN LOMAND COMMUNICATIONS,)
INC. FOR APPROVAL OF AN INTRALATA TOLL)
DIALING PARITY IMPLEMENTATION PLAN)

Docket No. 99-00258

MOTION

Comes Ben Lomand Communications, Inc. (BLC) and moves the Authority to amend page 2 of its Revised - Resubmitted IntraLATA Toll Dialing Parity Implementation Plan stamped received November 16, 1999, which Revised - Resubmitted Plan is dated November 10, 1999, as follows:

1. Section I. Purpose, add a second paragraph in words and figures as follows:

BLC has two exchanges located in the Middle Tennessee area. One is located in McMinnville, Warren County, Tennessee, which is to serve the City of McMinnville. The NXXs associated with the McMinnville Exchange are 473, 474, 506, and 507. The other exchange is one located in Sparta, White County, Tennessee, to serve the City of Sparta, Tennessee, and the NXXs associated with this exchange are 836 and 837.

2. Section II. IntraLATA Environment is to be amended as follows:

a. By striking the words and figures in the first line of the first paragraph of this section as follows: "within the next thirty (30) days." and inserting in lieu thereof the following words and figures: "within a period of not more than seventy-five (75) days and not earlier than thirty-four (34) days from November 10, 1999, the date of this revision."

b. By striking the words "as long as technically feasible" in the last line of the third paragraph.

c. By adding a fourth paragraph in words and figures as follows:

After the initial selection of the customer as to their carrier of choice for intraLATA and interLATA service which may be the same or different carriers, any change by the customer to a new carrier will have a PIC change charge of \$5.00 as set out in the BLC tariff.

Moved further that the Ben Lomand Communications, Inc. Revised - Resubmitted IntraLATA Toll Dialing Parity Implementation Plan as amended be approved by the Authority.

RESPECTFULLY SUBMITTED: This 29th day of November, 1999.

BEN LOMAND COMMUNICATIONS, INC.

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