

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

August 24, 1999

IN RE:)	
)	
PETITION OF TELIGENT, INC. FOR)	DOCKET NO. 99-00276
APPROVAL OF AN INTRALATA TOLL)	
DIALING PARITY PLAN)	

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

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Teligent, Inc. ("Teligent") 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 further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 97 U.S.C. §§151 *et seq.*

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with the state commission for exemption, suspension or modification of the dialing parity requirements.

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.

Teligent is a telecommunications company certified under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier to provide telecommunications services in

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).

Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Teligent filed an intraLATA toll dialing parity implementation plan on April 22, 1999 with an amendment on June 16, 1999. The amended Plan, attached hereto as Exhibit I, is fully incorporated herein by this reference. Teligent plans to commence offering local exchange service in Tennessee sometime in the latter half of 1999.

The Directors considered this plan at the July 13, 1999 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 99-54.⁶ The Plan provides a method that enables customers to select alternate providers of telephone toll service; and a method which allows customers to choose different carriers for interLATA and intraLATA service. Teligent is not proposing to recover any incremental costs associated with the implementation of dialing parity. The Directors unanimously voted to approve Teligent's intraLATA toll dialing parity plan, as amended, with the requirement that Teligent comply with all applicable sections of FCC Order 96-333 upon implementation of

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

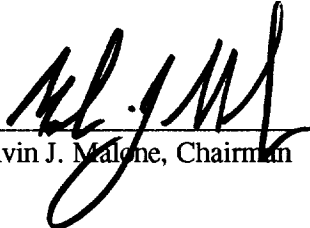
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ 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.

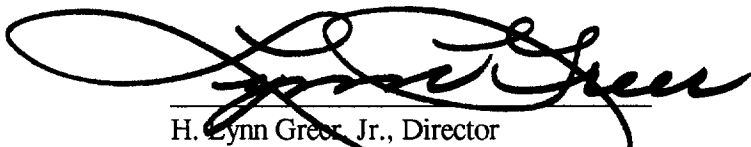
intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Teligent, Inc. for IntraLATA Toll Dialing Parity Implementation, copies of which are attached as Exhibit I, is hereby approved and incorporated in this Order as if fully rewritten herein;
2. Teligent, 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 ten (10) 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

IntraLATA Toll Dialing Parity Plan

Teligent, Inc.
Tennessee

June 1999

I. Purpose

Teligent, Inc. ("Teligent") describes herein the process for implementing intraLATA Toll Dialing Parity in the Teligent exchanges located in the state of Tennessee ("Plan"). The intent of this Plan is to provide a proposal that provides customers the ability to select a telecommunications carrier of their choice for routing their intraLATA toll calls. Teligent will comply with all Federal Communications Commission and Tennessee Regulatory Authority Rules and Regulations.

II. IntraLATA Environment

Teligent will implement intraLATA toll dialing parity upon launch of its service in Tennessee. As a result, Teligent's Tennessee customers will dial seven digits for local calls and 1+10 digits for intraLATA toll calls.

In addition, Teligent will also initiate toll-free intraLATA county-wide calling, in accordance with the Authority's requirements. Teligent will maintain tax-code billing tables to identify "free county-wide" intraLATA toll calls originated by Teligent intraLATA toll customers and to ensure that toll billing does not occur on these calls.

III. Implementation Schedule

Teligent will offer dialing parity for intraLATA toll in all of its Tennessee exchanges upon launch of its services in the State. Teligent anticipates launching its services in Tennessee in the second half of 1999.¹ Attachment A is a specific listing of all the counties in which Teligent intends to offer intraLATA services. Attachment B is a specific listing of the LATAs in which Teligent will associate.

¹ As a publicly traded company, Teligent is unable to release more specific information regarding its launch date.

IV. Carrier Selection Procedures

Upon launch of its services in Tennessee, Teligent will implement a 2-PIC carrier selection methodology within the State. With the 2-PIC methodology, customers will be able to presubscribe to one IXC, including Teligent, for interLATA toll calls and to presubscribe to the same or a different IXC for intraLATA toll calls. Upon selection of Teligent as a service provider, customers are informed of the opportunity to choose both an intraLATA and interLATA PIC. At the customer's request, Teligent will provide a list of IXCs that are available for PIC selection. That list will be presented in a competitively neutral manner.

Customers who do not affirmatively choose an intraLATA toll carrier will be identified within Teligent's system as "no-PIC." These customers must dial an access code in order to place intraLATA toll calls until they have made an affirmative intraLATA toll PIC selection.

Customers will be able to make their initial intraLATA toll PIC selection free of charge. Pursuant to Teligent's tariff, customers will be charged a \$5.00 PIC change charge when changing either their intraLATA or interLATA toll carrier regardless if the change is requested in one contact with the business office or if one carrier is selected for both intraLATA and interLATA toll services.

Teligent has a strict anti-slamming policy. Teligent is familiar with the Authority's rules related to slamming [Tennessee Regulatory Authority Rule 1220-4-2-.56, Sections (2) – (6)].

Teligent has not yet launched service in Tennessee and, therefore, has no existing customers.

V. Carrier Notification

Prior to launching service in Tennessee, Teligent will contact as many IXCs as possible regarding the opportunity to provide toll service to Teligent customers. Interested carriers will be asked to submit to Teligent an Access Service Request ("ASR") form for each switch to which it desires access. Teligent lists its switches available for exchange access service in either

NECA Tariff No. 4 or Teligent's Tariff FCC No. 3. Once Teligent receives and processes an IXC's ASR, that carrier is added to the list of IXCs available for customer selection.

VI. Access to 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. 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" in Teligent's territory for accessing the local exchange Directory Assistance and customers dial "1-NPA-555-1212" for accessing their interLATA carrier's Directory Assistance.

The local and interLATA Operator Services and Directory Assistance may be branded by the local and interLATA carriers, as appropriate, based on the dialing parity pattern of the end user. Since no unique intraLATA dialing pattern currently exists in the industry, Teligent is not capable of identifying intraLATA calls to Teligent's local or the IXC's interLATA operators or directory assistance representatives. As such, this procedure is considered in compliance with FCC Order No. 96-333, Rule 51-217(d).

VII. Cost Recovery

Teligent does not currently plan to recoup the incremental cost of implementing intraLATA toll dialing parity but reserves the right to do so in the future. Should Teligent make such a determination, it will provide advance notice to the Authority.

Attachment A

Teligent, Inc.

IntraLATA Toll Dialing Parity Exchanges

Cheatham County
Davidson County
Dickson County
Robertson County
Rutherford County
Shelby County
Summer County
Tipton County
Williamson County
Wilson County

Attachment B

Teligent, Inc.

IntraLATA Toll Dialing Parity LATAs

470	Nashville
472	Chattanooga
474	Knoxville
956	Bristol