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REGULATORY AUTH.
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OFFICE OF THE
EXECUTIVE SECRETARY

April 22, 1999

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

IN RE: Ardmore Telephone Company, Inc.
<u>IntraLATA Dialing Parity Implementation Plan</u>

Dear Mr. Waddell: 99-00295

I am enclosing an original and thirteen (13) copies of the IntraLATA Toll Dialing Parity Implementation Plan of our client Ardmore Telephone Company, Inc. This Plan is being filed as directed by the Federal Communication Commission's Order of March 23, 1999, in Docket No. 96-98. We are filing the Plan for approval by the Tennessee Regulatory Authority ("TRA").

Also enclosed please find original and thirteen copies of a Petition for Modification to be filed in this matter. We request that you call this to the attention of the Directors at your earliest convenience. Also enclosed is our check in the amount of $25.00 made payable to the TRA for filing fee. If you have any questions, please do not hesitate to call me.

With kindest regards, I remain

Very truly yours,

T. G. Pappas

TGP/br#2016292
Enclosures
cc: Mr. Joe Werner
Richard Collier, Esq.
Mr. Terry Wales
Thomas J. Moorman, Esq.
Kraskin, Lesse & Cosson, LLP

cc: Mr. Gary Andraza
Mr. Guy M. Hicks
Mr. Joe C. Roper
Mr. M. Michael Swatts
Mr. Scott Nichols
Mr. Michale McCaw
Ms. Kathy Pounds
Mr. Tony Key

INTRALATA TOLL
DIALING PARITY
PLAN

Ardmore Telephone Company Inc.

ARDMORE, TENSSESSEE

April 22, 1999

I. Purpose

Ardmore Telephone Company, Inc. (Ardmore) has described herein the process for implementing intraLATA toll dialing parity in the Ardmore 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 participating telecommunications carrier of their choice for routing their intraLATA toll calls. Ardmore will associate with the 470 LATA for the purpose of toll dialing parity.

Ardmore Telephone Company, Inc. has been advised that under the rules and regulations of the Federal Communications Commission, it is considered a LEC, and the Federal Communications Commission ("FCC") has directed that no later than April 22, 1999, all LECs must file intraLATA toll dialing parity plans with the State Regulatory Commission (in Tennessee, the Tennessee Regulatory Authority) for each state in which the LEC provides telephone exchange service if a plan has not yet been filed with such state commission. Ardmore has not heretofore filed such a plan.

Concurrently with the filing of this plan, Ardmore is filing with the Tennessee Regulatory Authority (TRA) a petition for modification (petition) of the timeframes for implementation of toll dialing parity that was prescribed by the Federal Communications Commission (FCC) as well as the FCC's "default carrier rules". The May 1, 2000 date noted herein is based on the assumption that the TRA will approve Ardmore's petition for the reasons stated therein.

II. IntraLATA Environment

Ardmore customers in Tennessee in the Ardmore area can currently dial an access code to complete intraLATA toll calls to another carrier. After implementation of the intraLATA toll dialing plan, customers 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 Carriers 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 Ardmore intraLATA toll customers and to ensure that billing does not occur on these calls. Ardmore 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

The Company will implement toll dialing parity, subject to TRA's approval of this IntraLATA Toll Dialing Parity Plan, as outlined below:

IV. **Carrier Selection Procedures (continued)**

Existing Customers

Currently, the Local Exchange Carrier is the only subscribed intraLATA toll provider for existing customers in Ardmore's local exchange area. In accordance with the implementation schedule, customers may subscribe to any telecommunications carrier offering intraLATA toll service in their exchange. Customers will remain with the BellSouth until they affirmatively choose an intraLATA toll carrier. Customers may make this selection through their own initiative or as a result of the promotional marketing activities of participating intraLATA toll telecommunications carriers. Customers may communicate their choice of carriers to Ardmore directly or through their selected carriers.

Customers will be assessed a PIC change charge for changing their intraLATA carrier at a rate of $5.00. When customers request a simultaneous change to the same carrier for their interLATA and intraLATA service, Ardmore will assess two PIC charges, one from the interstate tariff and one from the intrastate tariff.

New Installation Customers

Ardmore 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.

PIC Charge Waiver Period

Customers will be given a period of ninety (90) days within which to make one change of their preferred carrier at no cost to the customer. This waiver period will begin on the date of customer notification. The costs associated with this waiver will be recovered through the general cost recovery mechanism.

V. **Customer Education/Notification**

Customers will receive information explaining their opportunity to select an intraLATA carrier a minimum of 30 days in advance of the offering of intraLATA toll dialing parity via a bill message. In addition, during the 30 days following implementation of intraLATA toll dialing parity, customers will receive a bill insert also explaining their opportunity to select an intraLATA carrier. Ardmore anticipates that promotional strategies by carriers will contribute to customer awareness of intraLATA toll dialing parity. Customer telephone directories will be updated as new editions are published to reflect the opportunity for customers to choose an intraLATA toll carrier.

VI. **Carrier Notification**

Current interexchange carriers will be notified of Ardmore intraLATA toll dialing parity approval via Certified U.S. Mail two months prior to implementation. Carriers that currently participate in interLATA toll will be assumed to be participants in the intraLATA toll market. Certified carriers who enter the market after implementation will be added to the list of participating carriers within 30 days of notifying Ardmore.

VII. **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 exists 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.

VIII. **Cost Recovery**

In accordance with 51.215 of FCC Order 96-333, CC Docket No. 96-98, cost recovery for the incremental cost of dialing parity, specific switch software, and necessary hardware and signaling system upgrades, and customer education costs that are strictly necessary to implement dialing parity, will be implemented in a competitively neutral manner across all providers of telephone exchange service and telephone toll service in the area served by Ardmore. Incremental costs will be recovered from all carriers through a rate element based upon originating intrastate intraLATA switched access minutes of use (MOUs) during the four (4) year cost recovery period. Attached, as Exhibit B, is a detailed explanation of the Cost Recovery methodology. An annual true-up will be conducted and reported to the TRA. Because the incremental costs associated with the provision of intraLATA dialing parity has yet to be identified fully, the attached Exhibit B is an explanation of the detailed cost methodology only. Ardmore will file for approval with the TRA, an Equal Access Impact Recovery Plan that will be developed and implemented in coordination with IntraLATA Presubscription.

IX. Statement of Compliance

Ardmore Telephone Company, Inc. will comply with all rules of the Federal Communications Commission and the Tennessee Regulatory Authority.

Executed as of the 22nd Day of April, 1999

Terry M. Wales

Terry M. Wales
General Manager of the Ardmore Telephone Company, Inc.
P. O. Box 549
Ardmore. Tn. 38449
Phone: (256) 423-2131

Exhibit A

BILL MESSAGE

"Ardmore will implement local toll 1+ subscription service on TBD. You are now able to choose a local toll provider. Your current carrier will continue to provide this service for you or you may select another carrier. You may select the same provider as your interstate long distance service provider or you may select a different provider for each service. Your first selection prior to TBD will be at no charge.

NEWSLETTER

IMPORTANT NOTICE ABOUT LOCAL TOLL SERVICE

"As of TBD, you are able to choose your provider of "1+" local toll service. This change allows you to remain with your current carrier or select a different long distance carrier for local toll calls. Please refer to the information pages in the front of your Ardmore Telephone Directory under "Long Distance-Calling Area" for a description of your local toll calling area.

If you would like to select a different carrier for your "1+" local toll service, you should contact that company. No action is necessary to keep your current provider for these local toll calls.

From TBD until TBD you will be able to change your local toll carrier one time without charge. There may be a charge for each subsequent change you make in local toll companies."

Note: TBD-To Be Determined after approval of the Tennessee Regulatory Authority in accordance With the implementation schedule in the IntraLATA Dialing Parity Plan.

TENNESSEE
METHODOLOGY FOR RECOVERY OF COSTS
ASSOCIATED WITH
IMPLEMENTATION OF INTRALATA SUBSCRIPTION

CALCULATION OF INITIAL EQUAL ACCESS RATE ELEMENT

Step 1: Identify the estimated total incremental costs directly attributable to the provisioning of IntraLATA Subscription. Incremental costs include the following items:

a) network hardware upgrades to provide the full 2-PIC methodology in all exchanges
b) central office software upgrades
c) software translations
d) system programming/testing
e) training for Business Office, Marketing, Carrier Services, Customer Services, and Service Center personnel
f) customer notification (bill message, newsletter and special mailing)
g) implementation activity - administrative costs
h) PIC change charge waiver

$XXX

Step 2: Identify estimated total Intrastate/IntraLATA minutes of use for the 4 year recovery period.

XX,XXX,XXX

Step 3: Calculate a cost recovery rate by dividing amount in Step 1 by the Minutes of Use in Step 2.

$0.000XXX

ANNUAL TRUE-UP OF EQUAL ACCESS RATE ELEMENT

Repeat Steps 1 through 3 and calculate an updated access rate element by dividing amount in Step 1, adjusted by the previous year/years cost recovery.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:	)
	)
REQUEST OF ARDMORE TELEPHONE	)
COMPANY, INC. FOR A MODIFICATION	)
OF THE REQUIREMENTS TO PROVIDE	)
INTRALATA TOLL DIALING PARITY	)
EFFECTIVE MAY 1, 2000	)

Petition for Modification

Ardmore Telephone Company, Inc. (the "Company"), by counsel and pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended (the "Act")(47 U.S.C. § 251(f)(2)), hereby requests the Tennessee Regulatory Authority ("TRA") to grant to the Company a modification of certain of the requirements established by the Federal Communications Commission ("FCC")[1] with respect to the Company's obligations to provide intraLATA toll dialing parity.[2] By this Petition, the Company is only seeking an extension of time to implement by May 1, 2000, its plan to provide intraLATA toll dialing parity in order to

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[1] The requirements with respect to the offering of intraLATA toll dialing parity were established by the FCC in its Second Report and Order in CC Docket No. 96-98. See In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, et. al, Second Report and Order and Memorandum Opinion and Order, CC Docket No. 96-98, 11 FCC Rcd 19392 (1996)("Second Report and Order"). In light of the United States Supreme Court decision addressing, inter alia, aspects of the FCC's Second Report and Order, the FCC issued a revised schedule for implementing intraLATA toll dialing parity. See In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, et. al, Order, CC Docket No. 96-98, FCC 99-54, released March 23, 1999 ("Dialing Parity Order"). As discussed herein, the modifications that are being requested arise from the decisions issued in both the Second Report and Order and the Dialing Parity Order.

[2] The Company uses the term "intraLATA toll dialing parity" to refer to the use of software (generally referred to as "2-PIC" software) that permits customers, who wish, to select a separate, preferred toll provider for their intraLATA toll calls from that provider carrying the customer's interLATA toll calls. See 47 C.F.R. § 51.209(b); see also Second Report and Order, 11 FCC Rcd at 19419 (paras. 49-50).

accommodate its ongoing network upgrade and reconfiguration, as well as a modification of the FCC's failure to permit an intraLATA default carrier mechanism.

Specifically, the Company requests a modification of the FCC's requirement: (1) that implementation of the Company's intraLATA toll dialing parity plan must occur within 30 days of the TRA's approval;[3] and (2) prohibiting the Company from allowing a "default" carrier.[4] A grant of this Petition will permit the Company to proceed to offer intraLATA toll dialing parity no later than May 1, 2000. For the reasons stated herein, the public interest, convenience and necessity would be served by the TRA granting this request. Finally, the Company also requests that the TRA, consistent with 47 U.S.C. § 251(f)(2), suspend the Company's requirement to provide intraLATA toll dialing parity until the TRA acts upon this Petition.

I. Background

The Company is headquartered in Ardmore, Tennessee, and serves approximately 2,800 access lines in Tennessee.[5] The Company provides local exchange services to its customers, and providing intrastate access services to interexchange carriers ("IXCs") in order for the Company's customers to complete intrastate toll calls. In 1997, the Company began the

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[3] The Company's IntraLATA Toll Dialing Implementation Plan ("Plan"), filed concurrently herewith, is intended to comply with all applicable requirements of the FCC's rules except for the date upon which intraLATA toll dialing parity must be offered (see Dialing Parity Order at para. 7) and the FCC's requirements that customers not affirmatively selecting an intraLATA toll provider may not be "defaulted" to their existing intraLATA toll carrier. See 47 C.F.R. § 51.209(c); see also Second Report and Order, 11 FCC Rcd at 19415-19416 (para. 41). With respect to this latter requirement, the Company's proposed plan would allow existing customers that do not affirmatively select an intraLATA toll provider to be automatically assigned or "defaulted" to BellSouth Telecommunications, Inc., the current "1+" intraLATA toll provider.

[4] Dialing Parity Order at para. 6, n. 22.

[5] The Company also operates approximately 7,000 access lines in Alabama. The Company's Alabama operations are not part of this Petition.

planning process for a switch replacement with the capability to offer new services to its customers. These objectives justified the purchase of a Host Nortel DMS 100/500 (located in Ardmore, Tennessee). The DMS 100 was ordered by the Company on December 29, 1997. The cutover to the new switch (and retirement of the current DMS 10 switch) is anticipated to occur on March 31, 2000, assuming no delays are experienced in either: (1) the delivery of the switch, or (2) the subsequent testing and other coordinating functions required to ensure that the cutover does not cause undue disruption in service to the users of the Company's network. The Company was aware of the FCC's requirement to provide intraLATA toll dialing parity and, accordingly, ensured that this functionality would be part of the switch software. However, due to the pendency of legal challenges to the requirement to offer intraLATA toll dialing parity, and the Company's planned replacement of the current switch, the Company chose not to expend the approximately $75,000 and other related implementation expenses required to install and complement the 2-PIC software into its existing DMS 10 switch. This decision was justified by management in light of the fact that the purchase of the software and the time and resources that would be required to implement it would be a waste of resources since the DMS 10 software would be useless once the new DMS 100 switch was in service.

II. The TRA Possesses the Necessary Jurisdiction Pursuant to Section 251(f)(2) of the Act to Grant the Relief Sought

The Act provides for a series of increasing interconnection obligations between and among telecommunications carriers. After establishing an obligation of all telecommunications carriers to interconnect with each other, 47 U.S.C. § 251(a), the Act then establishes a set of interconnection obligation upon all Local Exchange Carriers ("LECs"), including the obligation to provide intraLATA toll dialing parity. See 47 U.S.C. § 251(b) and 47 U.S.C. § 251(b)(3).

After establishing these Section 251(b) requirements, the Act then provides that a LEC "with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide" may seek a suspension and modification of these Section 251(b) requirements by petitioning a State Commission. See generally 47 U.S.C. § 251(f)(2).[6] Once a petition is filed, the State Commission must rule on such request within 180 days of its filing, and, moreover, "[p]ending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers." 47 U.S.C. § 251(f)(2).

In adopting the requirement to provide intraLATA toll dialing parity, the FCC relied, in part, upon the authority granted under Section 251(b)(3) of the Act. Moreover, in making this finding, the FCC embraced the procedure noted above with respect to Section 251(f)(2) petitions. Specifically, the FCC found that "special implementation schedules" for smaller LECs, such as the Company, was unnecessary "because these LECs may petition their state commission, pursuant to Section 251(f)(2), for a suspension or modification of the application of the dialing

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[6] The State Commission must grant a petition for a suspension or modification

> to the extent that, and for such duration as, the State commission determines that such suspension or modification --
> (A) is necessary--
> (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
> (ii) to avoid imposing a requirement that is unduly economically burdensome; or
> (iii) to avoid imposing a requirement that is technically infeasible; and
> (B) is consistent with the public interest, convenience, and necessity.

Id. The TRA's authority with respect to reviewing issues related to "additional obligations of incumbent local exchange carriers" described in Section 251(c) of the Act (47 U.S.C. § 251(c)) is not at issue here. See 47 U.S.C. § 251(f)(1).

parity requirements." Second Report and Order, 11 FCC Rcd at 19425 (para. 61) citing 47 U.S.C. § 251(f)(2). The Dialing Parity Order does not alter this conclusion. See also 47 C.F.R. § 51.403.

Accordingly, under extant FCC decisions interpreting the plain wording and procedures of the Act, the TRA is vested with the authority to grant the relief requested herein. For the reasons set forth below, the requested modification of the FCC's intraLATA toll dialing parity rules clearly meet the requirements of Section 251(f)(2) and should be granted.

III. Modification of the IntraLATA Toll Dialing Parity Schedule is Warranted

The Company submits that grant of its request to be permitted until May 1, 2000, to comply with the requirements to provide intraLATA toll dialing parity is appropriate and serves the public interest, convenience, and necessity. In satisfaction of the Act's criterion, the Company provides the following.[7] First, the Company's requested modification is necessary to avoid imposing a requirement on the Company that is unduly economically burdensome and technically infeasible. See 47 U.S.C. § 251()(f)(2)(ii) and (iii).[8] Although the Company may

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[7] Section 251(f)(2) requires that only one of the elements of Section 251(f)(2)(A) be met along with the requirement that such action is consistent with the public interest, convenience and necessity. Compare 47 U.S.C. §§ 251(f)(2)(A) and (B).

[8] Based on a recent report issued by the FCC's Common Carrier Bureau, there were approximately 158.7 million access lines presubscribed to IXCs in the United States. See Long Distance Market Share Fourth Quarter 1998, FCC Common Carrier Bureau, Industry Analysis Division, March 1999 at 4. The Company fully anticipates that this number has increased since December, 1996 (the time period used by the FCC in its report). 2% of these lines, however, is approximately 3,174,000. The Company currently operates approximately 9,800 access lines, approximately 2,800 of which are located in Tennessee and approximately 7,000 of which are located in Alabama. The Company's total access line count clearly is below the 2% threshold established for companies to be eligible to seek relief pursuant to Section 251(f)(2).

7be able to deploy the specific software necessary for the provision of the 2-PIC functionality, the deployment of the software alone is not all that is required to offer intraLATA toll dialing parity. Rather, even with the software in place, diverting current resources increases the risk of degradation of other network services that the Company provides. This is particularly true where, as here, such efforts would alter the Company's ongoing commitment to its network reconfiguration and switch upgrades. Moreover, from a practical perspective, it is questionable whether accelerating intraLATA toll dialing parity would provide sufficient time for the Company to coordinate network provisioning issues with the affected IXCs (the proponents of intraLATA toll dialing parity), and the coordination and implementation of appropriate carrier access billing systems. This testing and coordination is necessary, in the Company's view, in order to ensure a seamless transition to the 2-PIC environment. Accordingly, the Company respectfully submits that it is technically infeasible for it to comply with the intraLATA toll dialing parity obligations prior to May 1, 2000, the date that its network reconfiguration and testing will be completed (assuming no manufacturer-related or testing delays occur). See 47 U.S.C. § 251(f)(2)(A)(iii).

Second, requiring the Company to order and install software on its existing obsolete switch facilities would be uneconomic and wasteful inasmuch as the Company is in the midst of a complete switch replacement. It would be unduly economically burdensome for the Company to alter the process it began in early 1997 regarding its planned new switch deployment. Moreover, the software required for the DMS 10 (and the costs associated therewith) would simply be abandoned by the Company once the cut over to the new DMS 100 is completed.[9] Allowing the Company to continue its current course, however, will enable it to deploy its new switch in the most economical fashion, which, in turn, will benefit its subscribers. Accordingly, a grant of this Petition is required in order to "avoid imposing a requirement that is unduly economically burdensome." 47 U.S.C. § 251(f)(2)(A)(ii).[10]

Third, to require an uneconomic and wasteful upgrade would result in "a significant adverse economic impact on users of telecommunications services generally." 47 U.S.C. § 251(f)(2)(A)(i). The expenditure of the unnecessary software would be borne by the Company's customers/owners, who are, by definition, "users of telecommunications services." Id. It would be economically wasteful for the Company's customers, through the rates they are charged, to bear this additional expense in the absence of the Company's Plan being approved by the TRA.

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[9] Section 51.405(d) of the FCC's Rules, 47 C.F.R. § 51.405(d), which for purposes of this discussion is assumed to be in effect, provides that a LEC must offer evidence that the application of Section 251(b) or Section 251(c) of the Act would be likely to cause undue economic burden beyond the economic burden that is typically associated with efficient competitive entry. The Company submits that it would be unreasonable to assume that a competitive LEC would invest resources in upgrading facilities only to replace those same facilities within a short time frame. This is particularly true where, as here, a delay in providing a service would avoid the need to purchase the upgrade in the first place. Therefore, strict application of the dialing parity implementation schedule in this instance would cause the Company undue economic burden beyond that which is typically associated with efficient competitive entry. Accordingly, the Company has met the required burden of proof set forth in Section 51.405(d) of the FCC's Rules.

[10] In addition, issues related to the level of recovery by the Company from the current provision of intraLATA access may arise. If such issues do arise, an undue economic burden may be imposed upon the Company, thereby affecting the May 1, 2000 implementation date. If necessary, the Company will report to the TRA regarding this issue.

The anticipated delay in the provision of intraLATA toll dialing parity within the Company's service area, therefore, is clearly of minor impact when compared to the costs to the Company in changing its planned network upgrades and reconfiguration at this date. Accordingly, a grant of the modification requested will serve the public interest, convenience and necessity, 47 U.S.C. § 251(f)(2)(B), by allowing the Company to ensure the deployment of the software necessary to provide intraLATA toll dialing parity in its new switch in a reasonably efficient manner which, in turn, will benefit its subscribers.

For the reasons stated above, the Company respectfully submits that it has demonstrated compliance with the requirements of Section 251(f)(2) of the Act. Accordingly, the Company requests that the TRA grant it a modification of the FCC's requirement that the Company's Plan must be implemented within 30 days of the TRA's approval, thereby allowing the Company to implement its Plan on May 1, 2000.

IV. Modification of the IntraLATA Toll "Default" Carrier Provision is Warranted

Similarly, the Company requests that the TRA grant a modification of the FCC's requirement that the Company may not "default" existing customers to their current "1+" intraLATA toll provider. See 47 C.F.R. § 51.209(c).[11] Modification of this requirement would "avoid a significant adverse economic impact on users of telecommunications services generally," 47 U.S.C. § 251(f)(2)(A)(i), by ensuring that the Company's affected customers/owners can, in fact, continue on an uninterrupted basis their current ability to make

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[11] The Company notes that this aspect of intraLATA toll dialing parity is subject to pending requests for reconsideration pending before the FCC. See Dialing Parity Order at para. 6, n.22. If the FCC revises its rules in a manner consistent with the Plan, the Company will notify the TRA of this fact.

"1+" intraLATA toll calls, and to generate the economic benefits associated with such calls. The public interest, convenience and necessity would be furthered by this modification. See 47 U.S.C. § 251(f)(2)(B). By granting this modification, the Commission can minimize the confusion and inconvenience that will undoubtedly be experienced by the affected customers as they learn that, if they fail to make an affirmative selection, they now must dial more digits in order to make intraLATA toll calls. This confusion and inconvenience, however, can be avoided by the TRA granting this requested modification. The Company respectfully submits that it has also demonstrated compliance with the requirements of Section 251(f)(2) of the Act with respect to the need for a modification of the FCC's failure to permit an intraLATA "default" carrier option. Accordingly, the Company requests that the TRA permit the Company to default existing customers to the current "1+" intraLATA toll provider until such time as that customer affirmatively selects its intraLATA toll provider.

V. Suspension of the Requirements to Offer IntraLATA Toll Dialing Parity Until the TRA Acts Upon this Petition is Warranted and will Serve the Public Interest

Finally, the Company submits that, in light of the facts and circumstances surrounding the FCC's intraLATA toll dialing parity implementation deadlines, the Company's previously planned upgrades and network reconfiguration, the need for coordination activities with IXCs, the potential for unnecessary and wasteful expenditure of resources, and, most importantly, the customer confusion and inconvenience that may be experienced if a premature implementation of the Plan is required, the TRA should suspend the Company's obligation to provide intraLATA toll dialing parity until such time as the TRA acts upon the instant Petition. The authority of the TRA to provide this relief is clear -- "[p]ending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers." 47 U.S.C. § 251(f)(2). No carrier will be harmed by this action in that, as demonstrated herein, the request of the Company would result in implementing intraLATA toll dialing parity in a technically and economically feasible manner. Thus, the TRA suspending the Company's obligations to provide intraLATA toll dialing parity would clearly serve the public interest.

VI. Conclusion

For the reasons stated herein, the Company respectfully submits that, pursuant to 47 U.S.C. § 251(f)(2), the Company has demonstrated the need for the modification of the FCC's requirements to provide intraLATA toll dialing parity requested herein. Moreover, the Company respectfully submits that the public interest would be served by the TRA suspending the Company's obligation to provide intraLATA toll dialing parity until such time as it acts upon this Petition. Accordingly, the Company respectfully requests the TRA, pursuant to its authority under 47 U.S.C. § 251(f)(2), to grant the modifications as requested herein in order that the Company's Plan for the provision of intraLATA toll dialing parity may be implemented as filed, and to enter an Order approving the Plan effective May 1, 2000.

Respectfully submitted,

Ardmore Telephone Company, Inc.

By: ______________________

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April 22, 1999

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and exact copy of the within and foregoing petition on behalf of Yorkville Telephone Cooperative, Inc. via United States Mail, first class postage prepaid, and properly addressed to the following:

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This 22nd day of April, 1999.

T. G. Pappas

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