

BEFORE THE PUBLIC SERVICE COMMISSION  
OF  
THE STATE OF MISSISSIPPI

92-UA-0227

IN RE: ORDER IMPLEMENTING  
INTRALATA COMPETITION

ORDER

In its December 13, 1991, Order in Docket No. 90-UA-0280, the Commission found that limited intraLATA telecommunications competition would best serve the public interest in Mississippi at the present time. Accompanying this finding, the Commission also expressed its intention to:

(1) allow IXCs to furnish intrastate interexchange telecommunication services to the public in the intraLATA market on a 10XXX basis; (2) abolish compensation payments as they now exist; and (3) in lieu of compensation, create a "universal service fund" to further the Commission's goal and policy of universal service and to provide a method to alleviate any financial pressure on the LECs resulting from the new competitive environment.

To ensure that progress would be made in pursuing these intentions, the Commission further requested the Public Utilities Staff ("Staff") to investigate and make recommendations concerning how the provisions of the Order in Docket No. 90-UA-0280 might be appropriately instituted.

The Staff informed the Commission of the results of its investigation and made its recommendations on the various aspects of the matters at issue. The Commission subsequently initiated a new docket, Docket No. 92-UA-0227, and issued a proposed order concerning 10XXX intraLATA competition, compensation payments, and a Universal Service Fund. The proposed order was mailed to all parties in Docket No. 90-UA-0280 soliciting their comments. The Commission has examined the evidence of record in Docket No. 90-UA-0280, as well as the comments received in Docket No. 92-UA-0227. Based on a consideration of the evidence and the comments, this order

outlines the terms by which the Commission will implement the intentions expressed in Docket No. 90-UA-0280. Since the instant docket is a continuation of Docket No. 90-UA-0280, we hereby incorporate by reference our Final Order, dated December 13, 1991, in Docket No. 90-UA-0280.

I.

CERTIFICATION OF INTRALATA INTEREXCHANGE CARRIERS

No IXC or reseller (hereinafter referred to as "Company" or "Companies") will be allowed to offer and provide intraLATA telecommunications service to the public in Mississippi unless duly authorized by the Commission. Such an authorization must take the form of a Certificate of Public Convenience and Necessity for IntraLATA Authority. LECs will unblock 10XXX for any Company that currently holds an intraLATA certificate or upon provision of evidence that a Company has applied for a Certificate of Public Convenience and Necessity for IntraLATA Authority. Additionally, all requests for 10XXX unblocking must be through an access service request (ASR) and include a translations questionnaire (TQ) by PIC code, denoting the IXCs' and resellers' willingness to accept intraLATA traffic routed to their facilities. Moreover, any presently authorized provider of intraLATA telecommunications services in Mississippi, including LECs are exempted from the requirement of obtaining a Certificate of IntraLATA Authority before continuing to provide such services.

A. APPLICATION FILING REQUIREMENTS

To obtain a Certificate of IntraLATA Authority, a Company must file a Petition for IntraLATA Authority with the Commission. The Petition for IntraLATA Authority must present, at a minimum, a clear statement of the intent and capability of the Company to provide safe, efficient, and reliable services to the public. The statement must also delineate the service area; i.e., LATA or LATA's, for which such authority is being requested, as well as a time table that the Company will follow

in making its services available to the public.

The Petition for IntraLATA Authority must further provide a clear indication of the financial ability of the Company to undertake intraLATA telecommunications service in Mississippi. Such a demonstration should include, but not be limited to, a showing of the financial condition of the Petitioner's parent Company, as well as any affiliates that may have an indirect responsibility for providing intraLATA service in Mississippi. The Petition shall conform to Appendix "A", Schedule 1, of the Mississippi Public Service Commission's Rules of Practice and Procedure.

In those cases where a Company seeks to amend its existing Certificate of Public Convenience and Necessity to provide for IntraLATA Authority, the Company may, pursuant to Rule 6(m) of the Mississippi Public Service Commission's Rules of Practice and Procedure, incorporate by reference all statements, documents, papers or data required by Appendix A, Schedule 1, that have previously been filed with the Commission.

**B. REVIEW AND APPROVAL PROCESS**

A Company's Petition for IntraLATA Authority will be reviewed by the Staff. A decision on whether appropriate information has been provided by the Company will be made within 15 days after the Commission's receipt of the Petition for IntraLATA Authority. The Company will be notified as to the results of that review.

Should a Company be denied a Certificate of IntraLATA Authority, that Company will be afforded an opportunity to make an Application for a Rehearing pursuant to Miss. Code Ann., §77-3-65 and Mississippi Public Service Commission, Practice and Procedure Rule 15(B)(7).

**C. CONFIDENTIAL ANNUAL REPORTS**

All certificated Companies operating with intraLATA authority in Mississippi shall file Confidential Annual Reports with the Commission no later than April. 1 of each year. Each

Confidential Annual Report will set forth, by month and by LATA, the minutes of 10XXX service provided by that Company in the previous calendar year. This data will be further detailed by originating access, terminating access, and conversation minutes of use, and any other data the Commission may deem necessary.

To the extent that a Company operating with intraLATA authority renders intraLATA service on a non-10XXX basis, (i.e., special access, feature groups A and B, 700, 800 and 900 access services), the confidential Annual Reports must also provide this information in the same format required for 10XXX service. The 700 service access code shall not be used to originate traffic that will terminate intraLATA except when used for conferencing, locator service, or to access a virtual private network such as SDN and VPN and other similar specialized type service.

#### D. ABOLITION OF COMPENSATION PAYMENT

At the present time IXCs are required to make compensation payments to LECs for "unauthorized intraLATA traffic". Effective with this order, compensation payments for authorized intraLATA services approved in this order are hereby terminated.

#### E. COMMISSION OVERSIGHT OF INTRALATA SERVICE

Companies are required to file tariffs for all proposed intraLATA interexchange services. The tariff filing requirements and the approval process of such tariff filings shall be the same for IXCs, resellers, and LEC's. In addition, the regulatory flexibility approved by this Commission in Docket U-4575 in our order dated October 31, 1984, shall be applicable to all IXCs, resellers, and LECs insofar as their intraLATA interexchange offerings are concerned.

#### F. CONSUMER CHOICE

In order to ensure that consumers enjoy the benefits associated with expansion of intraLATA competition, each

location that serves transient users, including but not limited to hotels, motels, hospitals and COCOTS, must provide access to the carrier selected by the calling party. The calling party makes this selection by the use of an appropriate 10XXX access code. In the absence of the use of a 10XXX Access code by the user, all intraLATA "0+" and "0-" calls shall be directed to the LEC. In addition, callers must be allowed to reach a LEC operator by dialing "0-".

## II.

### CREATION, STRUCTURE, AND OPERATION OF THE MISSISSIPPI LOCAL SERVICE SUPPORT FUND

The evidence in Docket No. 90-UA-0280 suggested that the introduction of 10XXX intraLATA competition in Mississippi should not impose significant financial hardship on the LECs. After serious consideration by this Commission, we find that any negative impact on the LEC's as a result of this order will not be immediately known and therefore this Commission will hold in abeyance the Mississippi Local Service Support Fund (MLSSF) until further data proves that such fund will be needed. The Commission, in performing its duties, will continue to monitor the effects of this order on all companies, and further action regarding a Local Service Support fund may be taken as the situation warrants.

#### IT IS THEREFORE ORDERED AS FOLLOWS:

1. 10XXX intraLATA competition shall be effective on or before January 15, 1993.
2. Each Company desiring to complete intraLATA calls, except LEC's, shall apply for and obtain a Certificate of Public Convenience and Necessity authorizing their provision of 10XXX and such non-10XXX services as are permitted by order of this Commission (i.e., intraLATA long distance calls originating on special access, Feature groups A & B, 800 and 900 access services as well as conferencing, locator service, and virtual private network long distance calls originating on

700 access service).

3. IntraLATA traffic originating by "1+", "0+" and "0-" dialing continues to be reserved for the LEC's.

4. Each IXC, reseller, and LEC shall file and have approved by this Commission tariffs for their intraLATA toll service offerings. The regulatory flexibility approved by this Commission in Docket U-4575, issued October 31, 1984, shall be applicable to all IXCs, resellers, and LEC's insofar as their toll service offerings are concerned.

5. Effective with the date of this order, LEC's are hereby ordered to begin accepting requests from long distance providers with intraLATA certificates to unblock 10XXX dialing. Any request received by the LEC's prior to November 15, 1992, shall be completed no later than January 15, 1993. Requests to unblock 10XXX received after November 15, 1992, shall be completed in accordance with existing service date negotiation procedures.

6. Compensation payments to LEC's for authorized intraLATA services carried after the date of this order are terminated with this order.

7. All companies operating with intraLATA authority in Mississippi shall file confidential annual reports as provided herein.

8. Each service location that serves transient users shall provide those users with access to 10XXX intraLATA dialing capabilities. Further, all "0+" and "0-" intraLATA calls dialed by transient users shall be directed to the LEC for completion. Transient users shall be allowed to reach a LEC operator by dialing "0-".

9. The MLSSF is hereby held in abeyance until further developments may warrant.

10. The PSC hereby expressly retains continuing jurisdiction to reconsider and revisit this order as it deems necessary.

11. The Final Order, dated December 13, 1991, in Docket

No. 90-UA-0280, is hereby incorporated by reference and made a part hereof as though fully set forth herein.

Chairman Bo Robinson voted Aye; Vice Chairman Curt Hebert, Jr., voted Aye; Commissioner Nielsen Cochran voted Aye.

SO ORDERED, this the 27<sup>th</sup> day of October, 1992.



MISSISSIPPI PUBLIC SERVICE COMMISSION

Bo Robinson  
Bo Robinson, Chairman

Curt Hebert, Jr.  
Curt Hebert, Jr., Vice Chairman

Nielsen Cochran  
Nielsen Cochran, Commissioner

ATTEST: A TRUE COPY

Brian U. Ray  
Brian U. Ray, Executive Secretary