

BEFORE THE
Federal Communications Commission

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WASHINGTON, D.C. 20554

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AUG 8 1994

In the Matter of)
GTE Telephone Operating Companies)
Revisions to Tariff FCC No. 1)

Transmittal Nos. 873, 874, ~~893~~)
CC Docket No. 94-81)

To: The Commission

COMMENTS OF THE CITY OF CERRITOS

The City of Cerritos ("City" or "Cerritos"), by its attorneys, hereby submits these Comments concerning the Motion for Stay ("Motion") filed by GTE California, Inc. ("GTECA") on July 28, 1994. Pending the Commission's resolution of GTECA's Motion, the City urges the Commission to delay implementation of the 60 day compliance period granted in this proceeding by Order of the Common Carrier Bureau.^{1/}

1. In its Order, the Bureau rejected Tariff No. 874 (Service Corp.) on the grounds that it violated statutory cross-ownership restrictions. The Bureau stated that GTECA had been on notice since the original grant of the cross-ownership waiver in 1989 that this waiver would expire on July 17, 1994. The Bureau noted, however, that neither GTECA nor Service Corp. had made

^{1/} In the Matter of GTE Telephone Operating Companies, Order, released July 14, 1994 (DA 94-784).

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arrangements to ensure the continuation of video programming service to its Cerritos subscribers upon expiration of the waiver. (Order, ¶ 18).

2. In order to avoid an abrupt interruption of service to customers of Service Corp., the Bureau offered GTE Telephone Operating Companies ("GTOC") an opportunity to transition gradually into compliance with the cross-ownership restrictions. To accomplish that result, the Bureau granted temporary extensions of regulatory approvals to permit GTECA to provide service to Service Corp. for a period of 60 days following the release date of the Order. During this period, Service Corp. was required either to find an independent third party to provide the video programming services now provided by Service Corp. in Cerritos or to notify its customers that it had decided to terminate the provision of video programming services in Cerritos. (Order, ¶ 18).

3. To provide "an orderly transition for customers," GTECA was required by the Bureau to notify each subscriber capable of receiving its video programming service of the action it will take to bring itself into compliance with the Act. GTECA also was required to submit a copy of its proposed notification to subscribers for prior review and approval by the Bureau. The Bureau further required GTECA to provide each subscriber with a copy of the Bureau's Order upon request. (Order, ¶ 18). These actions -- especially the 60 day transition period -- were taken by the Bureau to minimize disruption of service to cable subscribers in Cerritos. (Order, ¶ 2).

4. In its Motion, Service Corp. now requests that the Commission stay that portion of the Bureau's Order rejecting GTOC Tariff Transmittal No. 874 and requiring GTECA to bring itself into compliance with the video programming ban within 60 days.^{2/}

5. The express purpose of the 60 day transition period granted by the Bureau was to prevent cable subscribers in Cerritos from being subject to an unnecessarily abrupt termination of long-standing service through no fault of their own.^{3/} The City shares this concern. As a result of the Motion, however, the uncertainty for subscribers, which the Bureau and the City had hoped to avoid, is being prolonged.^{4/} The 60 day transition period is expiring while final disposition of the Motion by the Commission remains uncertain. Until the Commission acts with finality on GTOC's Motion, there can be no fixed "grace period" within which the City and its cable subscribers may transition with certainty into a new regime.^{5/}

^{2/} Contemporaneously with the submission of its Motion, GTECA filed an Application for Review of the Bureau's Order. On August 1, 1994, Apollo CableVision also filed an Application for Review in this proceeding.

^{3/} Cf., 47 USC 534(b)(10).

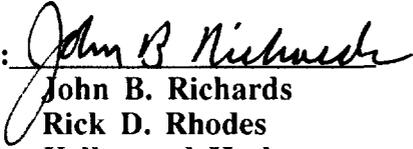
^{4/} The City takes no position in regard to the merits of GTECA's Motion.

^{5/} A final administrative decision in this case will not be rendered until the pending Applications for Review are resolved by the Commission.

6. Accordingly, in the event that the Commission denies GTOC's Motion, the City requests that the Commission grant the necessary temporary extensions of regulatory approvals to permit GTECA to provide channel service to Service Corp. for a new, full 60 day period, beginning upon the effective date of the denial.^{6/} Only in this way can consumers be adequately notified of the Commission's decision and the disruption of service to subscribers be minimized, as the Bureau originally intended by its granting of a 60 day transition period in this proceeding.

Respectfully submitted,

**CITY OF CERRITOS
John H. Saunders
Director of Internal Affairs**

By: 
**John B. Richards
Rick D. Rhodes
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001**

Dated: August 8, 1994

Its Attorneys

^{6/} If GTOC's Motion is granted, the extension of the 60 day period would become moot.

CERTIFICATE OF SERVICE

I, Terri Thomas, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the foregoing Comments of the City of Cerritos has been served this 8th day of August 1994 by hand delivery to the following:

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

The Honorable James H. Quello
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

The Honorable Rachelle B. Chong
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

The Honorable Susan Ness
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

A. Richard Metzger
Acting Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Gregory J. Vogt
Chief, Tariff Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Barbara Esbin
Associate Chief, Tariff Division
Common Carrier Bureau
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Anne Stevens
Chief, Legal Branch
Tariff Division
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Daniel L. Brenner, Esquire *

National Cable Television Association, Inc.
1724 Massachusetts Avenue, N.W.
Washington, D.C. 20036

Randy R. Klaus, CPA *

MCI Telecommunications Corporation
701 Brazos Street, Suite 600
Austin, Texas 78701

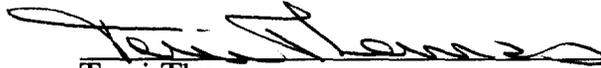
Edward P. Taptich *

Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900 - East
Washington, D.C. 20005
Counsel for Apollo Cablevision, Inc.

Gail L. Polivy *

GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

Everett H. Williams *
Director - Pricing & Tariffs
GTE Telephone Operations
600 Hidden Ridge
Post Office Box 152092
Irving, Texas 75015-2092



Terri Thomas

* delivery via 1st class mail