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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

DISPATCHED BY

DA 94-1409

In the Matter of)	
)	CC Docket No. 94-97
Southwestern Bell Telephone Company)	
Revisions to Tariff F.C.C. No. 73)	Transmittal No. 2406

MEMORANDUM OPINION AND ORDER

Adopted: December 7, 1994; Released: December 8, 1994

By the Acting Chief, Tariff Division:

1. On December 6, 1994, Southwestern Bell Telephone Company (Southwestern Bell) filed Transmittal No. 2406 to revise its Tariff F.C.C. No. 73. Southwestern Bell states that the purpose of this filing is to modify its virtual collocation tariff¹ to add the complete rate structure and rate levels and to revise rates for certain equipment; to remove penalty charge language; and to clarify certain provisions of the tariff. Specifically, Southwestern Bell proposes to add the complete rate structure and rate levels for two pieces of ALCATEL equipment and two pieces of NEC equipment; add rate levels for the

¹On July 25, 1994, the Commission released the Virtual Collocation Order, which required Tier 1 local exchange carriers (LECs) other than National Exchange Carrier Association pool members to file virtual collocation tariffs on September 1, 1994, with a scheduled effective date of December 15, 1994. Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141, Memorandum Opinion and Order, 9 FCC Rcd 5154 (1994), appeal docketed sub nom., Southwestern Bell Telephone Company v. FCC, Case No. 94-1547 (D.C. Cir. Aug. 10, 1994) (Virtual Collocation Order). In conjunction with the Virtual Collocation Order, the Commission and the Tier 1 LECs reached an agreement whereby the LECs agreed to file "interim" virtual collocation tariffs on September 1, 1994 in order to facilitate the transition from physical to virtual collocation and to ensure that some form of collocation service was available at all times to interested customers. Following a one-day suspension period and the imposition of an accounting order, the interim tariffs became effective, subject to investigation, on September 4, 1994. Ameritech Operating Companies et al, Order, 9 FCC Rcd 5230 (Com.Car.Bur. 1994) (Interim Tariff Suspension Order).

Fujitsu FLM 2400 OC-48 (1557 nm) equipment and revise the rates for the ADC SONEPLEX 2000 equipment. Southwestern Bell additionally proposes to modify the Unauthorized Occupation regulations to remove the penalty charge language. Southwestern Bell further proposes to incorporate various text changes in the tariff to clarify the provisions relating to the designation of dedicated equipment, microwave transmission facilities and nonrecoverable costs; and to clarify the provisions for bona fide requests for virtual collocation. Transmittal No. 2406 is scheduled to take effect on December 12, 1994.

2. This transmittal raises the same issues as the interim virtual collocation tariffs which were suspended for one day and made subject to investigation in the Interim Tariff Suspension Order.² Therefore, Transmittal No. 2406 is suspended for one day, until December 13, 1994, and will be subject to the investigation initiated in the Interim Tariff Order. These rates will also be subject to an accounting order to facilitate any refunds that may later prove necessary.

3. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the revisions to Southwestern Bell Tariff F.C.C. No. 73, Transmittal No. 2406, ARE SUSPENDED for one day and an investigation of the referenced tariff transmittal IS INSTITUTED.

4. IT IS FURTHER ORDERED that Southwestern Bell SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

5. IT IS FURTHER ORDERED that, for these purposes, we waive Sections 61.56, 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.56, 61.58, and 61.59. Southwestern Bell should cite the "DA" number of the instant Order as the authority for this filing.

6. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), Southwestern Bell shall keep accurate

²See Interim Tariff Suspension Order, 9 FCC Rcd at 5321 (para. 6).

account of all amounts received by reason of the rates that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

Geraldine A. Matis

**Geraldine A. Matis
Acting Chief, Tariff Division
Common Carrier Bureau**