

until May 8, 1996 to act upon the rules, however, if the Legislature fails to act, the rules will be deemed approved. Thereafter, the rules must be published for ten (10) days to become effective. Nonetheless, AT&T submitted its Application with Attachments containing the representations of its officers and the information, where available, which would be required under the local competitive exchange services rules.

SUMMARY OF TESTIMONY

William Pressley Sheppard, Jr., Vice-President of Regulatory for AT&T, testified on behalf of AT&T. He testified that the Application and its attachment are true and correct to the best of his knowledge. He further testified that AT&T currently is certified to provide interlata and intralata toll (intralata toll services are being provided on a 10XXX basis) in the State of Oklahoma and that the purpose of the above entitled Application was to request Commission approval to provide local exchange telecommunication services in the exchanges served by SWBT and GTE in the State of Oklahoma. Further, he testified that AT&T has vast amounts of experience in the telecommunications industry, evidenced by its current operations, and that a review of its 10K indicates that AT&T clearly possesses the technical, managerial and financial resources to provide local exchange telecommunication service. Further, Mr. Sheppard testified that AT&T intends to comply with all state and federal rules and regulations.

On cross examination by the attorney for ORTC, Mr. Sheppard testified that AT&T's request in the Application is only to provide local exchange services in the exchanges served by SWBT and GTE. He testified that in the future if AT&T should ever decide to expand its services into areas served by an independent telephone company, that AT&T would file an application to expand its service area.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above entitled cause pursuant to Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. (1995) Section 131 et. seq, and OAC 165:55. Further, the Commission finds that AT&T has complied with the notice requirements prescribed by 17 O.S. Section 133 and by the Commission in Order No. 400307. The

Commission further finds that the Application along with all of its Attachments and AT&T's Late Filed Exhibit should be admitted into the record. Further, the Commission finds that judicial notice should be taken of AT&T's past and current operations in Oklahoma. The Commission finds that based on the evidence presented, AT&T's officers and management personnel have experience and managerial skills in the telecommunication business and therefore possesses that technical, managerial and financial resources to provide local exchange telecommunication services in the State of Oklahoma. Further, the Commission finds that no objections to AT&T's Application have been filed with the Commission. Therefore, the Commission finds that AT&T's Application should be granted and that AT&T should be granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunication services in the State of Oklahoma, initially limited to the exchanges served by SWBT and GTE, which are designated by AT&T's service area designations filed as hereinafter prescribed. Further, the Commission finds that AT&T has at least One Million Dollars (\$1,000,000) in assets in the State of Oklahoma and therefore should not be required to post a surety bond nor a line of credit.

Further, the Commission finds that ninety (90) days prior to AT&T's proposed implementation date, AT&T should submit its initial proposed tariffs and service territory designations to Staff for review. Staff should have sixty (60) days from the date AT&T submits its proposed tariff to Staff to review the proposed tariffs and advise AT&T of any dispute associated with the proposed initial tariffs. If a dispute does exist, Staff may without notice and hearing seek a Commission order suspending the tariff at least thirty (30) days prior to AT&T's proposed effective date. Further, Staff should advise AT&T within sixty (60) days of receipt of the initial proposed service territory designations, of any concerns Staff may have with the proposed service territory. If the parties are unable to resolve the dispute, any party may file a proceeding with the Commission. AT&T should file its proposed tariff and service territory designations with the Commission Court Clerk office at least sixty (60) days prior to the proposed effective date. AT&T shall deliver copies of its proposed tariff and service territory designation to all intervenors sixty (60) days prior to its proposed effective date. All parties shall have thirty (30) days from the date of AT&T's filing to object to its proposed filing. All substantial revisions to AT&T's proposed tariffs and service territory designations should by

made within thirty-five (35) days of the filing of the tariffs with the Commission's Court Clerk's office. Staff and intervenors should have five (5) days to object to any proposed substantial tariff or service territory modification. Subsequent local exchange tariffs and service territory designations should be filed and processed as provided for in the rules of the Commission, OAC 165:55, in effect at the time of filing.

ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that AT&T's Application for a Certificate of Public Convenience and Necessity to provide local exchange telecommunication services in the State of Oklahoma is hereby approved.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that AT&T shall submit its proposed local exchange service tariffs and proposed service territory designation to Staff at least ninety (90) days prior to the proposed effective date. Staff shall advise AT&T of any concerns it may have regarding the propose tariffs and service territory designation within sixty (60) days of receipt. All substantial revisions to the tariffs and/or service territory designations shall be made within thirty-five (35) days of the initial filing of the tariffs and service territory designation with the Court Clerk's Office. If Staff, AT&T and/or any intervenor are unable to resolve the dispute with the tariffs, Staff or an intervenor may request that the tariffs be suspended. If Staff and AT&T are unable to resolve their dispute regarding the service territory designation, either party may file a proceeding with the Commission seeking resolution of the service territory designation dispute.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that AT&T shall file a copy of its proposed tariffs and service territory designation in the Commission's Court Clerk's Office at least sixty (60) days prior to AT&T's proposed effective date. AT&T shall also deliver a copy of its proposed tariffs and service territory designation to all intervenors at least sixty (60) days prior to AT&T's proposed effective date. Staff and intervenors shall have thirty (30) days to object to the filing and five (5) days to object to any substantial tariff or service territory designation revisions. Further, any subsequent

tariff and/or service territory designation changes shall be filed by AT&T and processed in accordance with the rules in effect at the time of the filing.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that all of the findings of the Commission are hereby adopted.

CORPORATION COMMISSION OF Oklahoma

COLE L. GRAVES, CHAIRMAN

Bob Anthony

BOB ANTHONY, VICE-CHAIRMAN

Ed Apple

ED APPLE, COMMISSIONER

DONE AND PERFORMED this 7th day of May, 1996.

BY ORDER OF THE COMMISSION:

Charlotte W. Flanagan
Charlotte W. Flanagan, Commission Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing Findings, Conclusions and Order are the Report and Recommendation of the Administrative Law Judge.

Robert E. Goldfield
Robert E. Goldfield
Administrative Law Judge

May 7, 1996
Date