

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

NOV 6 1996

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Implementation of Section 302 of ) CS Docket No. 96-46  
the Telecommunications Act of 1996 )  
)  
Open Video Systems )  
To: The Commission

DOCKET FILE COPY ORIGINAL

**Notice of Election  
and  
Request for Extension of Time**

BellSouth Telecommunications, Inc., ("BellSouth") hereby notifies the Commission that BellSouth has elected to use facilities constructed to conduct a trial of video dialtone service in the City of Chamblee, Georgia, and in adjacent areas of unincorporated Dekalb County ("Trial Area") to provide cable television transport service to an affiliated cable operator in the Chamblee portion of the Trial Area. BellSouth's cable affiliate has obtained a local cable franchise to provide cable service in the City of Chamblee. BellSouth hereby requests that the Commission grant a 60-day extension of time for its election as to that portion of the Trial Area outside the City of Chamblee while BellSouth's affiliated company continues its efforts to obtain a cable franchise from Dekalb County.

No. of Copies rec'd  
List ABCDE

0210

By an order released on February 8, 1995, the Commission authorized BellSouth to construct and operate facilities for a video dialtone trial in the Trial Area.<sup>1</sup> Thereafter, BellSouth constructed and began preliminary testing of its video dialtone system. BellSouth had not, however, commenced the video dialtone trial when the Telecommunications Act of 1996<sup>2</sup> became effective and eliminated the Commission's video dialtone rules.<sup>3</sup> Soon thereafter, an affiliated company, BellSouth Interactive Media Services, Inc. ("BellSouth Interactive"), began efforts to obtain cable franchises from both the City of Chamblee and Dekalb County. In view of these changed circumstances, BellSouth never began operation of its video dialtone system.

The City of Chamblee awarded BellSouth Interactive a cable franchise on April 16, 1996. By the end of April, BellSouth Interactive had commenced operation of its cable system in the City of Chamblee using cable television transport service provided by BellSouth over facilities constructed for the video dialtone trial.

BellSouth Interactive filed its formal application for a cable franchise with Dekalb County on May 9, 1996, and has diligently pursued that application. Since filing its application, BellSouth Interactive has been formally designated by Dekalb County as a qualified applicant for a cable franchise and has been actively engaged in cable

---

<sup>1</sup> BellSouth Telecommunications, Inc., DA 95-181, 11 FCC Rcd 4404 (Com. Car. Bur. 1995) ("Authorization").

<sup>2</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat., enacted Feb. 8, 1996 ("1996 Act").

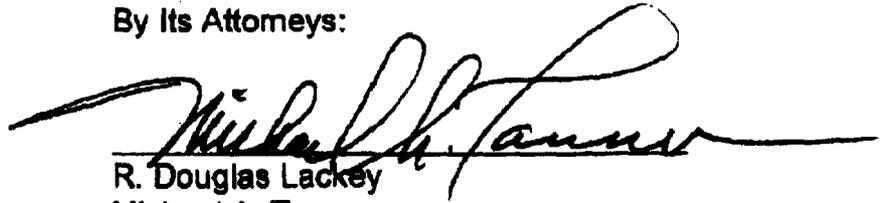
<sup>3</sup> 1996 Act §302(b)(3).

franchise negotiations. Dekalb County has not yet granted BellSouth Interactive a cable franchise, but BellSouth Interactive has advised BellSouth that it reasonably believes that Dekalb County will do so before the end of 1996. BellSouth will notify the Commission of its election for that portion of the Trial Area as soon as possible after Dekalb County grants BellSouth Interactive's application.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By Its Attorneys:

A handwritten signature in black ink, appearing to read "Michael A. Tanner", is written over a horizontal line. The signature is fluid and cursive.

R. Douglas Lackey  
Michael A. Tanner

Suite 4300  
675 West Peachtree St., N.E.  
Atlanta, GA 30375  
(404) 335-0764

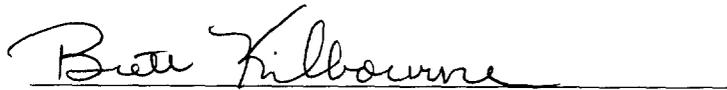
November 6, 1996

**CERTIFICATE OF SERVICE**  
**CS Docket No. 96-46**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by hand delivery this 6th day of November, 1996 to:

Meredith J. Jones  
Chief  
Cable Services Bureau  
2033 M Street, N.W.  
Washington, D.C. 20554

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

  
\_\_\_\_\_