

DOCKET FILE COPY ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

Application by SBC Communications Inc.,  
Southwestern Bell Telephone Company,  
and Southwestern Bell Communications  
Services, Inc. d/b/a Southwestern Bell Long  
Distance for Provision of In-Region,  
InterLATA Services in Oklahoma

CC Docket No. 97-121

To: The Commission

**APPLICATION BY SBC COMMUNICATIONS INC., SOUTHWESTERN BELL  
TELEPHONE COMPANY, AND SOUTHWESTERN BELL LONG DISTANCE FOR  
PROVISION OF IN-REGION, INTERLATA SERVICES IN OKLAHOMA**

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**SOUTHWESTERN BELL  
OKLAHOMA § 271 APPLICATION**

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BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996.)

Cause No. PUD 970

000064

**FILED**  
FEB 06 1997

**APPLICATION**

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

COMES NOW, Ernest G. Johnson, Director of the Public Utility Division, Oklahoma Corporation Commission and respectfully requests that the Oklahoma Corporation Commission ("Commission") initiate a proceeding to determine what information the Commission will need in order to consult in a meaningful way with the Federal Communications Commission ("FCC"), as required by 47 U.S.C. Section 271(d)(2)(B), if, and when, Southwestern Bell Telephone Company ("SWBT") requests FCC authority to provide interLATA authority.

**PARTIES:**

**APPLICANT:**

The Applicant is Ernest G. Johnson, Director of the Public Utility Division, Oklahoma Corporation Commission, located at 500 Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

**RESPONDENT:**

The Respondent is Southwestern Bell Telephone Company, a local exchange company certified to provide telecommunications service in Oklahoma, located at 800 North Harvey, Oklahoma City, Oklahoma 73102.

**ALLEGATIONS OF FACT:**

On February 8, 1996, the President of the United States signed into law the Telecommunications Act of 1996 ("Act"). The Act,

among other things, sets forth procedures that Bell Operating Companies must follow in order to enter the interLATA toll market. In Oklahoma, SWBT is the only Bell Operating Company providing local exchange telephone service. Pursuant to 47 U.S.C. Section 271 (d), once SWBT has complied with the requirements of 47 U.S.C. Section 271 (c) (2), it may request interLATA authority from the FCC. As a part of the FCC's determination regarding the request, the FCC must consult with the appropriate state commission prior to approving or denying SWBT's application. The FCC has ninety (90) days from the date an application is filed to issue a written decision on the application.

In the Spring of 1996, the FCC and the Department of Justice ("DOJ") encouraged the state commission in each respective state to open a docket prior to the Bell Operating Company making application with the FCC. The stated rationale for requesting such action was the FCC's and DOJ's concern that the short time frame allowed under the Act would be insufficient to conduct a complete review of all of the relevant information. The FCC and DOJ recommended that a full evidentiary hearing be conducted by the various state commissions and that, thereafter, the record in the respective cause be submitted to them for their review.

Further, the National Association of Regulatory Utility Commissioners ("NARUC") requested that each Bell Operating Company notify its respective state commission(s) ninety (90) days prior to filing a request for interLATA authority with the FCC.

It appears, from recent actions taken by SWBT, that SWBT is preparing to file an application with the FCC seeking interLATA

authority. Therefore, in order to assist the Commission in preparing to consult with the FCC, the Applicant desires to begin the process of gathering the information to be utilized by the Commission in its consultation with the FCC.

**LEGAL AUTHORITY:**

The Commission has jurisdiction over the above entitled cause pursuant to 47 U.S.C. Section 151 et. seq., Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. Section 131 et seq., and 165:55 of the Oklahoma Administrative Code.

**RELIEF SOUGHT:**

The Applicant respectfully requests that the Commission authorize the Applicant to begin the process of gathering information for the Commission's review and that the Commission set the matter for public hearing to consider this Application.

Respectfully Submitted,  
Ernest G. Johnson, Director  
Public Utility Division  
Oklahoma Corporation Commission

*Maribel D. Gray for John W. Gray*  
John W. Gray, OBA# 12680  
Senior Assistant General Counsel  
P.O. Box 52000-2000  
Oklahoma City, Oklahoma 73152-2000  
(405) 521-2322



**FILED**

FEB 07 1997

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996.)

Cause No. PUD 970000064

**MOTION FOR INTERVENTION**

COMES NOW AT&T Communications of the Southwest, Inc. ("AT&T") and requests that it be granted intervention in the above styled proceeding.

**I. PARTIES**

AT&T is a duly authorized transmission company duly authorized to furnish local exchange telecommunication services throughout the State of Oklahoma.

Southwestern Bell Telephone Company ("SWBT") is a telephone company which, *inter alia*, owns and operates local telephone exchanges and provides access to such local exchange services for AT&T and other transmission companies.

**II. ALLEGATIONS OF FACTS**

AT&T's status as an authorized provider of local exchange telecommunications services in Oklahoma and as a customer of SWBT's local exchange services demonstrates AT&T's interest in the subject-matter of this proceeding and establishes its right to intervene under OAC 165:5-9-4.

**III. LEGAL AUTHORITY**

This Motion for Intervention is filed under the authority of OAC 165:5-9-4.

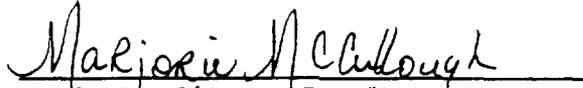
**IV. RELIEF SOUGHT**

An Order granting AT&T intervention herein as a party, with full rights of participation in this proceeding, should be issued.

WHEREFORE, AT&T respectfully requests than an Order issue granting AT&T intervention herein, with full rights of participation.

Respectfully submitted,

WHITE, COFFEY, GALT & FITE, P.C.



Jack P. Fite, OBA #2949  
Jay M. Galt, OBA #3220  
Marjorie McCullough, OBA #15377  
6520 N. Western, Suite 300  
Oklahoma City, Oklahoma 73116  
(405) 842-7545

Thomas C. Pelto  
Michelle S. Bourianoff  
919 Congress Avenue  
Suite 1500  
Austin, Texas 78701-2444

ATTORNEYS FOR AT&T COMMUNICATIONS  
OF THE SOUTHWEST, INC.

CERTIFICATE OF MAILING

This is to certify that on this 7th day of February, 1997, a true and correct copy of the above and foregoing MOTION FOR INTERVENTION was mailed, postage prepaid to:

Robert E. Goldfield  
Administrative Law Judge  
Oklahoma Corporation Commission  
Jim Thorpe Office Bldg  
First Floor  
Oklahoma City, OK 73105

John W. Gray  
Senior Assistant General Counsel  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

Ernest G. Johnson, Director  
Public Utility Division  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
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Maribeth D. Snapp  
Deputy General Counsel  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

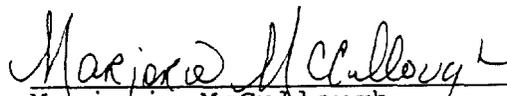
Roger Toppins  
800 North Harvey  
Oklahoma City, OK 73102

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Mickey Moon  
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Ronald E. Stakem  
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Oklahoma City, OK 73102

Nancy M. Thompson, Esq.  
P. O. Box 18764  
Oklahoma City, OK 73154

Martha Jenkins  
Sprint Communications  
Company, L.P.  
8140 Ward Parkway 5E  
Kansas City, MO 64114

  
Marjorie McCullough

**FILED**

FEB 07 1997

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996.)

Cause No. PUD 970000064

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that AT&T Communications of the South-west, Inc. has filed a Motion for Intervention from the Report of the Administrative Law Judge.

NOTICE IS FURTHER GIVEN that the Motion to Intervene will be heard before the Administrative Law Judge on the 13th day of February, 1997, at 8:30 a.m. in Room 301, Third Floor, Jim Thorpe Office Building, 2101 N. Lincoln Blvd., Oklahoma City, Oklahoma.

NOTICE IS FURTHER GIVEN that all interested persons may appear and be heard and the Commission shall issue such Order and grant such relief as it deems fair, reasonable, necessary, proper and equitable in the premises.

For information concerning this Motion for Intervention, contact Jack P. Fite, Attorney for AT&T, 6520 N. Western Suite 300, Oklahoma City, Oklahoma 73116, (405) 842-7545.

OKLAHOMA CORPORATION COMMISSION

\_\_\_\_\_  
CODY L. GRAVES, Chairman

\_\_\_\_\_  
BOB ANTHONY, Vice Chairman

\_\_\_\_\_  
ED APPLE, Commissioner

DONE AND PERFORMED THIS 7nd day of February, 1997.  
BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
CHARLOTTE W. FLANAGAN, Secretary



**FILED**  
FEB 07 1997

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996.)

COURT CLERK'S OFFICE - OF  
CORPORATION COMMISSION  
OF OKLAHOMA

Cause No. PUD 970000064

MOTION TO ESTABLISH ADVANCE NOTICE REQUIREMENT

COMES NOW AT&T Communications of the Southwest, Inc. ("AT&T") and requests the Oklahoma Corporation Commission ("Commission") to establish an advance notice requirement.

AT&T requests that the Commission require that Southwestern Bell Telephone Co. ("SWBT") notify the Commission and Intervenors ninety (90) days, or any other time period that the Commission deems appropriate, in advance of SWBT's intended filing date of its Section 271 application with the FCC and require that the SWBT include with the notification the narrative statement and all evidence that SWBT will rely on in supporting its FCC filing.

The ninety (90) day notification will allow the Commission to comply with its obligations under the Act and the procedures adopted by the FCC for reviewing 271 applications. The FCC is required to resolve any 271 proceeding filed by SWBT for interLATA entry in Oklahoma within ninety (90) days from the date the 271 proceeding is filed at the FCC. The Act directs the FCC to consult with the Commission regarding the filing after the Commission has verified SWBT's compliance with the Act. Because of the limited time period available to the FCC, it has adopted procedures which require that this Commission's written consultation be provided to

the FCC no later than twenty (20) days after the date of the public notice of the 271 filing at the FCC. Ameritech's 271 filing in Michigan exceeded 4000 pages. If the Commission does not proactively move to ensure that it is provided both notice and critical supporting information before the 271 filing at the FCC for Oklahoma, the Commission will be faced with the almost impossible task of effectively investigating a comparable filing in Oklahoma and submitting a report to the FCC, all within no more than twenty (20) days.

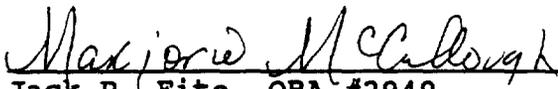
The necessity of advance notice and submission of relevant materials was recognized in the procedures recommended by NARUC and subsequently adopted by numerous state Commissions. Indeed, both the Texas Commission and the Missouri staff have either specifically adopted or recommended that SWBT provide ninety (90) day notice prior to applying to the FCC. Given the requirement on Oklahoma under Section 271 and the time lines placed on the FCC, the "at least 90 day" advanced notice requirement suggested by NARUC, adopted by the Texas PUC, and under consideration by the Missouri PUC is not only reasonable but an absolute necessity. This Commission and its Staff, the participants to this docket and those parties directly affected by SWBT's potential entry into interLATA services must have sufficient time to consider the evidence SWBT intends to rely upon for FCC approval and how that evidence, as scrutinized by all concerned, compares to the Section 271 requirements. Ninety (90) days is, at a minimum, the necessary amount of time to make this investigation of the evidence. The

Commission should not handcuff itself by not allowing sufficient time for review.

WHEREFORE, AT&T respectfully requests that the Commission issue an Order requiring SWBT to file with this Commission a notice, any evidence, and the narrative statement SWBT intends to file with the FCC in support of its Section 271 application at least ninety (90) days before SWBT files its Section 271 application with the FCC.

Respectfully submitted,

WHITE, COFFEY, GALT & FITE, P.C.

  
Jack P. Fite, OBA #2949  
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Michelle S. Bourianoff  
919 Congress Avenue  
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Austin, Texas 78701-2444

ATTORNEYS FOR AT&T COMMUNICATIONS  
OF THE SOUTHWEST, INC.

DATED: February 7, 1997

CERTIFICATE OF MAILING

This is to certify that on this 7th day of February, 1997, a true and correct copy of the above and foregoing MOTION TO ESTABLISH ADVANCE NOTICE REQUIREMENT was mailed, postage prepaid to:

Robert E. Goldfield  
Administrative Law Judge  
Oklahoma Corporation Commission  
Jim Thorpe Office Bldg  
First Floor  
Oklahoma City, OK 73105

John W. Gray  
Senior Assistant General Counsel  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

Ernest G. Johnson, Director  
Public Utility Division  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

Maribeth D. Snapp  
Deputy General Counsel  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

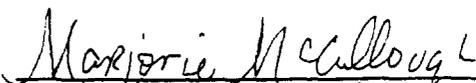
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800 North Harvey  
Oklahoma City, OK 73102

Rick Chamberlain  
Mickey Moon  
Assistant Attorneys General  
Office of the Attorney General  
112 State Capitol Building  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105-4894

Ronald E. Stakem  
Clark, Stakem, Wood & Pherigo, P.C.  
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Oklahoma City, OK 73102

Nancy M. Thompson, Esq.  
P. O. Box 18764  
Oklahoma City, OK 73154

Martha Jenkins  
Sprint Communications  
Company, L.P.  
8140 Ward Parkway 5E  
Kansas City, MO 64114

  
\_\_\_\_\_  
Marjorie McCullough

**FILED**

FEB 07 1997

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA  
COURT CLERK'S OFFICE, OF  
CORPORATION COMMISSION  
OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION ) Cause No. PUD 970000064  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996.)

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that AT&T Communications of the South-west, Inc. has filed a Motion to Establish Advance Notice Requirement.

NOTICE IS FURTHER GIVEN that the Motion to Establish Advance Notice Requirement will be heard before the Administrative Law Judge on the 13th day of February, 1997, at 8:30 a.m. in Room 301, Third Floor, Jim Thorpe Office Building, 2101 N. Lincoln Blvd., Oklahoma City, Oklahoma.

NOTICE IS FURTHER GIVEN that all interested persons may appear and be heard and the Commission shall issue such Order and grant such relief as it deems fair, reasonable, necessary, proper and equitable in the premises.

For information concerning this Motion to Establish Advance Notice Requirement, contact Jack P. Fite, Attorney for AT&T, 6520 N. Western Suite 300, Oklahoma City, Oklahoma 73116, (405) 842-7545.

OKLAHOMA CORPORATION COMMISSION

\_\_\_\_\_  
CODY L. GRAVES, Chairman

\_\_\_\_\_  
BOB ANTHONY, Vice Chairman

\_\_\_\_\_  
ED APPLE, Commissioner

DONE AND PERFORMED THIS 7nd day of February, 1997.  
BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
CHARLOTTE W. FLANAGAN, Secretary



BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION, TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF THE )  
TELECOMMUNICATIONS ACT OF 1996. ) Cause No. 970000064

**FILED**  
FEB 10 1997

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

**SOUTHWESTERN BELL TELEPHONE COMPANY'S  
MOTION TO INTERVENE**

Southwestern Bell Telephone Company ("Southwestern Bell") files this motion for an order permitting it to intervene in this docket. In support of this motion, SWBT states as follows:

**1. Parties**

Southwestern Bell is authorized to provide intrastate intraLATA telecommunications service in Oklahoma, including intraLATA toll services. The authorized representatives of Southwestern Bell in this proceeding are:

Roger K. Toppins, General Attorney  
Amy R. Wagner, Attorney  
800 N. Harvey, Room 310  
Oklahoma City, OK 73102  
Telephone: (405) 291-6754

**2. Facts**

The Applicant has filed an Application requesting that the Oklahoma Corporation Commission ("Commission") authorize the Applicant to begin the process of gathering information for the Commission's review in order to consult in a meaningful way with the

Federal Communications Commission ("FCC") when Southwestern Bell requests interLATA authority from the FCC. Southwestern Bell, as a named respondent in this matter, has an obvious interest in this case and should be allowed to intervene and fully participate as a party.

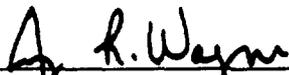
**3. Legal Authority**

This Motion to Intervene is filed pursuant to OAC 165:5-9-4.

**4. Relief Sought**

Southwestern Bell respectfully requests an order granting it intervention herein as a party, with full rights of participation in this proceeding.

Respectfully submitted,

  
\_\_\_\_\_  
ROGER K. TOPPINS, OBA #15410  
AMY R. WAGNER, OBA #14556  
800 North Harvey, Room 310  
Oklahoma City, OK 73102  
Telephone: 405/236-6754  
Fax: 405/236-7773

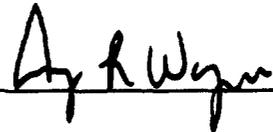
ATTORNEYS FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

**CERTIFICATE OF MAILING**

On this 10th day of February, 1997, a true and correct copy of the foregoing was mailed, postage prepaid, to:

John W. Gray  
Senior Assistant General Counsel  
Oklahoma Corporation Commission  
P. O. Box 52000-2000  
Oklahoma City, OK 73152-2000

Mickey S. Moon  
Office of the Attorney General  
112 State Capitol Building  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105

  
\_\_\_\_\_

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

**FILED**  
FEB 10 1997

APPLICATION OF ERNEST G. JOHNSON,  
DIRECTOR OF THE PUBLIC UTILITY  
DIVISION, OKLAHOMA CORPORATION  
COMMISSION, TO EXPLORE THE  
REQUIREMENTS OF SECTION 271 OF THE  
TELECOMMUNICATIONS ACT OF 1996.

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)

COURT CLERK'S OFFICE - 9K6  
CORPORATION COMMISSION  
OF OKLAHOMA

Cause No. 970000064

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that Southwestern Bell Telephone Company has filed a Motion to Intervene.

NOTICE IS FURTHER GIVEN that this Motion to Intervene will be heard before Administrative Law Judge Robert Goldfield at the Oklahoma Corporation Commission, Jim Thorpe Building, Courtroom B, Oklahoma City, Oklahoma, at 8:30 a.m. on the 20th day of February, 1997, or at such other time as may be determined by the Administrative Law Judge.

NOTICE IS FURTHER GIVEN that all interested persons may appear and be heard. For information concerning this action, contact Roger Toppins or Amy R. Wagner, Attorneys for Southwestern Bell Telephone Company, 800 North Harvey, Oklahoma City, Oklahoma 73102; (405) 291-6754.

CORPORATION COMMISSION OF OKLAHOMA

\_\_\_\_\_  
CODY L. GRAVES, Chairman

\_\_\_\_\_  
BOB ANTHONY, Vice Chairman

\_\_\_\_\_  
ED APPLE, Commissioner

DONE AND PERFORMED THIS 10TH DAY OF FEBRUARY, 1997, BY  
ORDER OF THE COMMISSION:

\_\_\_\_\_  
CHARLOTTE W. FLANAGAN, Secretary



**FILED**

FEB 13 1997

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA  
COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

APPLICATION OF ERNEST G. JOHNSON, )  
DIRECTOR OF THE PUBLIC UTILITY )  
DIVISION, OKLAHOMA CORPORATION ) CAUSE NO. PUD 970000064  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
TELECOMMUNICATIONS ACT OF 1996. )

**RESPONSE OF SOUTHWESTERN BELL TELEPHONE COMPANY  
TO MOTION TO ESTABLISH ADVANCE NOTICE REQUIREMENT**

The Commission should deny AT&T's motion to require Southwestern Bell to provide 90 days advance notice before it files an application for interLATA relief under Section 271 of the federal Telecommunications Act. AT&T's latest motion is simply a variation on the "delay, delay, delay" theme advanced at the January 29 hearing in Cause No. PUD 970000020 (PUD 97-20), relating to Southwestern Bell's motion for an interim order to permit its Statement of Terms and Conditions to take effect.

1. The 90-day advance notice period suggested by AT&T is contrary to the federal Act. The Act, in Section 271(d), allows a Bell operating company or its affiliate to apply to the FCC for authorization to provide interLATA service "[o]n and after the date of enactment" of the federal Act. In other words, an application could be filed at any time on or after February 8, 1996. The Act itself contains no "advance notice" requirement. The Act does not provide or even suggest that a state may require any advance notice. The Act sets forth a 90-day process for review of 271 applications. The Act does not permit an extension of the 90-day period, either by the FCC or a state commission. AT&T's motion would unlawfully extend this Congressionally-established review period to 180 days.