

RECEIVED

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

AUG 29 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Pineland)
exchange and the Nacogdoches and)
San Augustine exchanges.)

96-159

DOCKET FILE COPY ORIGINAL

PETITION

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Pineland exchange and the Nacogdoches and San Augustine exchanges.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;
3. Exchanges involved: Pineland in the Beaumont, TX LATA, Nacogdoches in the Houston, TX LATA and San Augustine in the Houston, TX LATA;
4. Name of carriers: Pineland of Contel/GTE Southwest, Inc., Nacogdoches of Southwestern Bell Telephone and San Augustine of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: Pineland has 1,461 access lines, Nacogdoches has 27,171 access lines and San Augustine has 3,715 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Pineland customers returning ballots who voted in favor of ELC to Nacogdoches: 71.69. Percentage of Pineland customers returning ballots who voted in favor of ELC to San Augustine: 73.33. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. **PRIMA FACIE SHOWING**

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such

service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Pineland exchange and the Nacogdoches and San Augustine exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Marjorie Morris Weisman

Robert M. Lynch

Durward D. Dupre

Mary W. Marks

Marjorie M. Weisman

Attorneys for

Southwestern Bell Telephone Company

One Bell Center, Room 3520

St. Louis, Missouri 63101

(314) 235-2507

AUGUST 29, 1997

x B

DOCKET NO. 17534

PETITION FOR EXPANDED LOCAL §
CALLING SERVICE FROM THE PINELAND §
EXCHANGE TO THE EXCHANGES OF §
NACOGDOCHES AND SAN AUGUSTINE §

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
97 AUG -5 PM 1:42
PUBLIC UTILITY COMMISSION
FILING CLERK

INTERIM ORDER

Findings of Fact

1. On February 24, 1997, subscribers of the Pineland Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Nacogdoches and San Augustine.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Pineland Exchange is in the Beaumont Local Access and Transport Area (LATA) and is served by GTE Southwest, Inc./Contel of Texas (Contel). The petitioned exchanges of Nacogdoches and San Augustine are in the Houston LATA and are served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of 71.69 percent of Pineland Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Nacogdoches Exchange. An affirmative vote of 73.33 percent of Pineland Exchange subscribers responding to the ballot favored expanding the local calling scope to include the San Augustine Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchange of San Augustine is within the 22-mile distance requirement for a community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).
7. The petitioned exchange of Nacogdoches is 46.55 miles from the petitioning exchange central office utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).
8. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, a statement attesting to the existence of a community of interest between the petitioning exchange and petitioned exchange of San Augustine was filed on August 4, 1997.
9. In addition to satisfying the geographic requirement of the Texas Public Utility Commission rules that the central switching office for a petitioned exchange be within 50 miles of the petitioning exchange, a statement attesting to the existence of a community of interest between the petitioning exchange and petitioned exchange of Nacogdoches was filed with the petition on February 24, 1997.
10. The San Augustine Exchange provides doctors, a hospital, employment and emergency "9-1-1" service for Pineland Exchange subscribers.
11. The Nacogdoches Exchange provides medical specialists such as heart, eye and cancer, employment, a university and government offices for Pineland Exchange subscribers.
12. Based on the statements referenced in Findings of Fact No. 8 and 9, there is a community of interest between the petitioning Pineland Exchange and the petitioned exchanges of Nacogdoches and San Augustine.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. This proceeding is unabated.
2. Petitioners from the Pineland Exchange have shown a community of interest with the Nacogdoches and San Augustine Exchanges.
3. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



**ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 5th DAY OF AUGUST, 1997**

Pineland To Nacogdoches and San Augustine



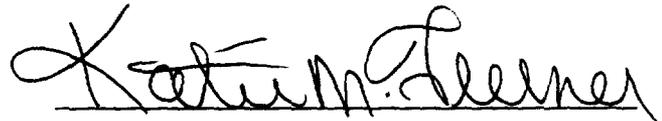
6 0 6 12 Miles

 Southwestern Bell Telephone Exchanges
 GTE/Contel Southwest Inc. Exchange

This document was produced by the Texas Exchange Carrier Relations organization of Southwestern Bell Telephone Company on 8/8/97, based on the best information it could obtain from other sources at that time. In addition, it is the Telephone Company's understanding that the data underlying the creation of this document may be subject to change. Southwestern Bell makes no representation as to the accuracy of the information provided to it and used to create this document.

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script that reads "Katie M. Turner". The signature is written in black ink and is positioned above a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701