

FEDERAL COMMUNICATIONS COMMISSION

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

AUG 29 1997

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Leona)
exchange and the Huntsville and)
Madisonville 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 Leona exchange and the Huntsville and Madisonville 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:

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LATA BOUNDARIES

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);

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.

2. Direction of service: Two-way;
3. Exchanges involved: Leona in the Dallas, TX LATA, Huntsville in the Houston, TX LATA and Madisonville in the Houston, TX LATA;
4. Name of carriers: Leona of Contel/GTE Southwest, Inc., Huntsville of Southwestern Bell Telephone and Madisonville of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: Leona has 445 access lines, Huntsville has 21,892 access lines and Madisonville has 4,209 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 Leona customers returning ballots who voted in favor of ELC to Huntsville: 80.70. Percentage of Leona customers returning ballots who voted in favor of ELC to Madisonville: 87.30. 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 Leona exchange and the Huntsville and Madisonville exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 14449

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PUBLIC UTILITY COMMISSION

PETITION FOR EXPANDED LOCAL	§	PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE LEONA	§	
EXCHANGE TO THE EXCHANGES OF	§	OF TEXAS
HUNTSVILLE AND MADISONVILLE	§	

INTERIM ORDER

Findings of Fact

1. On July 20, 1995, subscribers of the Leona exchange filed a petition for expanded local calling service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Huntsville and Madisonville.
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 Leona Exchange is in the Dallas Local Access and Transport Area (LATA) and is served by GTE/Contel of Texas, Inc. (GTE-SW). The petitioned exchanges of Huntsville and Madisonville are in the Houston LATA and are served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of 80.70 percent of Leona Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Huntsville Exchange. An affirmative vote of 87.30 percent of Leona Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Madisonville 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 Huntsville is within the 22-mile distance requirement for 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 Madisonville is located 39 miles from the Leona Exchange utilizing the vertical and horizontal coordinates of the petitioning and petitioned exchange central offices pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).

8. In addition to satisfying the Texas Public Utility Commission's rule that a requested exchange central office may not be located more than 50 miles from the petitioning exchange central office, an affidavit attesting to the existence of a community of interest between the petitioning and petitioned exchange was filed on December 15, 1995.

9. The Huntsville Exchange provides major hospitals, medical specialists, employment, higher education facilities, state agencies, doctors who test for handicapped and learning disabled students, intergovernmental relationships and shopping for Leona Exchange subscribers.

10. The Madisonville Exchange shares a public school district with the Leona Exchange, and provides county government services, doctors, dentists and shopping for Leona Exchange subscribers

11. Based on the affidavit referenced in Finding of Fact No. 8, there is a community of interest between the petitioning Leona Exchange and the petitioned exchanges of Huntsville and Madisonville.

Ordering Paragraphs

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

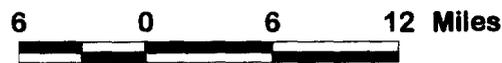
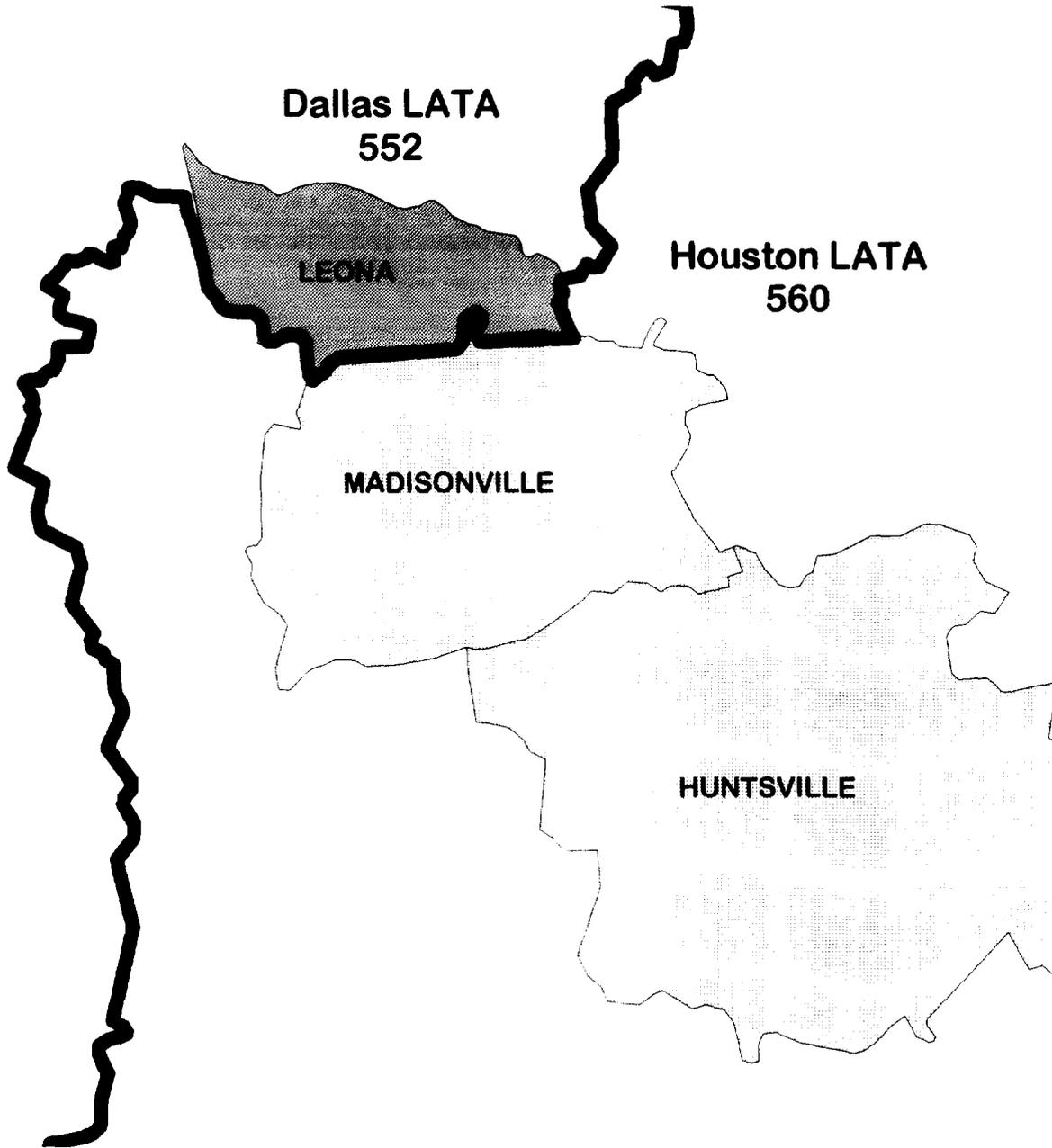
1. Petitioners from the Leona Exchange have shown a community of interest with the Huntsville and Madisonville Exchange.

2. 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.
3. 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 31st DAY OF JULY, 1997

Leona To Huntsville and Madisonville



-  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