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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 Madisonville)
Exchange and the Bryan-College Station)
Exchange.)

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 Madisonville exchange and the Bryan-College Station exchange.

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. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;

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.

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3. Exchanges involved: Madisonville in the Houston, TX LATA and Bryan-College Station in the Bryan, TX LATA;
4. Name of carriers: Madisonville of Southwestern Bell Telephone and Bryan-College Station of Contel/GTE Southwest, Inc.;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Madisonville exchange has 4,209 access lines, and the Bryan-College Station exchange has 32,050 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 Madisonville customers returning ballots who voted in favor of ELC to Bryan-College Station: Greater than 70 percent. 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 Madisonville exchange and the Bryan-College Station exchange.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

DOCKET NO. 13692

PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION
 CALLING SERVICE FROM THE §
 MADISONVILLE EXCHANGE TO THE § OF TEXAS
 EXCHANGE OF BRYAN/COLLEGE STATIONS §

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 PUBLIC UTILITY COMMISSION
 FILING CLERK

INTERIM ORDER

Findings of Fact

1. On August 1, 1994, subscribers of the Madisonville Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Bryan/College Station.
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 Madisonville Exchange is in the Houston Local Access and Transport Area (LATA) and is served by Southwestern Bell Telephone Company (SWBT). The exchange of Bryan/College Station is in the Bryan Special Market Area (SMA) and is served by GTE Southwest, Inc. (GTE-SW).
4. An affirmative vote of more than 70 percent of Madisonville Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Bryan/College Station Exchange.
5. Order No. 8, dated April 2, 1997 reinstated and abated this proceeding in order for SWBT to obtain a federal waiver for the expansion of the local calling scope of the Madisonville Exchange across a LATA boundary.
6. On May 2, 1997, a *Stipulation and Agreement of Parties Regarding Community of Interest* was filed stating that SWBT is willing to seek a waiver from the FCC and that the parties [i.e. SWBT, GTE-SW, Public Utility Commission Office of Regulatory Affairs and the petition coordinator,

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DOCKET NO. 13692

INTERIM ORDER

County Judge Cecil N. Neely] agree that a community of interest exists between the Madisonville Exchange and the Bryan/College Station Exchange.

7. An Interim Order was filed on May 5, 1997, which unabated this docket and directed SWB to request a waiver from the FCC for this application.
8. 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.
9. The petitioned exchange of Bryan/College Station was determined to be 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)(ii)(II)(effective date 12/7/93).
10. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, a statement with attached supporting letters, attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed in this proceeding on March 26, 1997.
11. The Bryan/College Station Exchange provides intergovernmental relationships, employment, major hospitals, doctors, shopping, educational facilities and colleges, and the newspaper for Madisonville Exchange subscribers.
12. Based on the statements referenced in Finding of Fact No. 10, there is a community of interest between the petitioning Madisonville Exchange and the petitioned exchange of Bryan/College Station.

Ordering Paragraphs

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

1. Petitioners from the Madisonville Exchange have shown a community of interest with the Bryan/College Station 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.



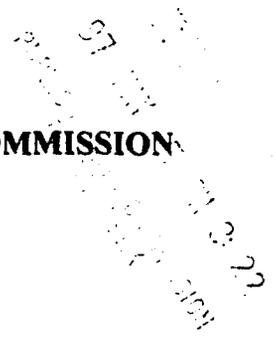
ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 1st DAY OF AUGUST, 1997

DOCKET NO. 13692

PETITION FOR EXPANDED LOCAL
CALLING SERVICE FROM THE
MADISONVILLE EXCHANGE TO THE
EXCHANGE OF BRYAN/COLLEGE
STATION

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§
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PUBLIC UTILITY COMMISSION
OF TEXAS



INTERIM ORDER

The Public Utility Commission of Texas (Commission) finds that this project has been processed in accordance with applicable statutes and Commission rules and that the Madisonville Exchange shares a community of interest with the Bryan/College Station Exchange under such statutes and rules.

The Commission issues the following findings of fact and conclusions of law:

Findings of Fact

1. The petition that is the subject of this Interim Order requests non-optional, two-way expanded local calling service (ELCS) between the Madisonville Exchange, served by Southwestern Bell Telephone Company (SWBT), and the Bryan/College Station Exchange, served by GTE Southwest Incorporated (GTE).
2. A local access and transport area (LATA) is defined by 47 U.S.C. §153(25), in pertinent part, as "a contiguous geographic area . . . established or modified by a Bell operating company . . . and approved" by the Federal Communications Commission (FCC).
3. The Madisonville Exchange and the Bryan/College Station Exchange are in different LATAs.
4. In order to provide non-optional, two-way ELCS between these two exchanges, SWBT would be required to provide interLATA traffic.

5. SWBT is generally forbidden by 47 U.S.C. §271 to provide interLATA traffic.
6. The FCC, pursuant to 47 U.S.C. §153(25), may approve LATA modifications for specific geographic areas and purposes.
7. Section 3.304(a)(2) of the Public Utility Regulatory Act of 1995 (PURA95), TEX. REV. CIV. STAT. ANN. Art. 1446c-0 (Vernon 1997) states that the Commission shall provide for ELCS if the petitioning exchange serves not more than 10,000 lines and if the petitioning exchange and the petitioned exchanges meet either a geographic test or share a community of interest.
8. The parties to this proceeding are the Madisonville Exchange, represented by Madison County Judge Cecil N. Neely, SWBT, GTE, and the General Counsel of the Commission.
9. Order No. 8 reinstated Docket No. 13692; restyled the proceeding; and abated the proceeding.
10. On May 2, 1997, the parties filed a Stipulation and Agreement requesting that the Commission issue an Order consistent with the Stipulation.
11. The parties stipulate that the Madisonville Exchange and the Bryan/College Station Exchange satisfy the geographic test established in the predecessor statute of PURA95 §3.304(a)(2)(B) and 16 T.A.C. §23.49(c).
12. The parties stipulate that the Madisonville Exchange requests ELCS only between the Madisonville Exchange and the Bryan/College Station Exchange.
13. The parties stipulate that they agree this proceeding should be unabated in order to allow SWBT to seek a waiver of interLATA restrictions between the Madisonville Exchange and the Bryan/College Station Exchange.

14. All parties to the proceeding have joined in the Stipulation and Agreement requesting the Commission to order SWBT to forward this ELCS petition to the FCC. No hearing is required.

Conclusions of Law

1. The Commission has jurisdiction in this proceeding pursuant to the Public Utility Regulatory Act of 1995 (PURA95), TEX. REV. CIV. STAT. ANN. Art. 1446c-0 (Vernon 1997) §§1.101, 3.051, and 3.304.
2. The standards for community of interest, established in PURA95 §3.304 and 16 T.A.C. §23.49(c), have been met in this proceeding.
3. This proceeding qualifies for informal disposition under 16 T.A.C. §22.35.

In accordance with the findings of fact and conclusions of law, the Commission issues this Interim Order:

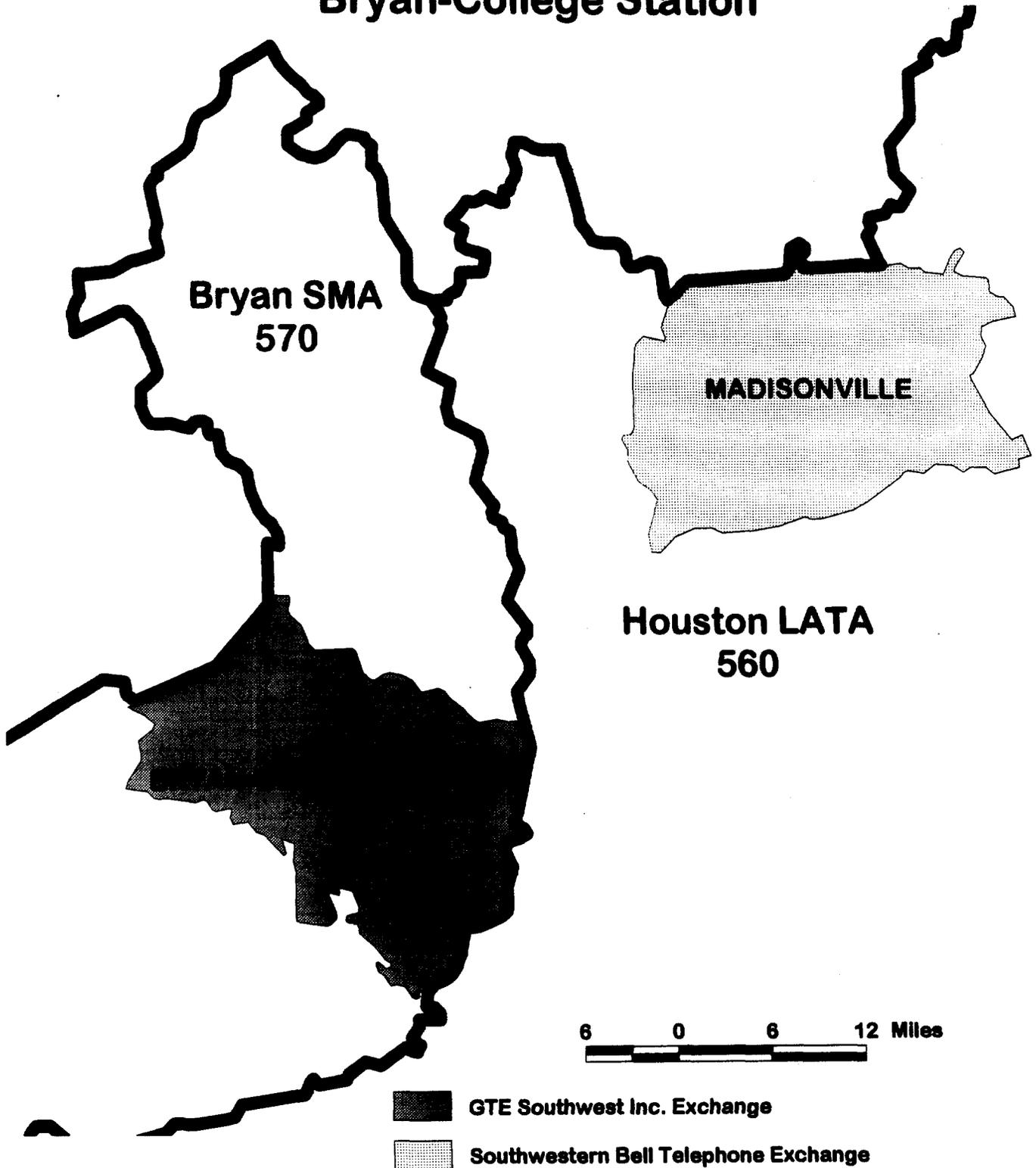
1. Docket No. 13692 is unabated.
2. Southwestern Bell Telephone Company (SWBT) is directed to file, within ten (10) days of this Order, a request with the FCC to approve a modification of the LATA boundary between the Madisonville Exchange and the Bryan/College Station Exchange for the purpose of allowing SWBT, in cooperation with GTE Southwest, Incorporated, to provide ELCS between these two exchanges.

3. Within thirty (30) days of its receipt of any ruling by the FCC on the requested modification, SWBT is directed to file the FCC's ruling with the Commission under Docket No. 13692.



ISSUED BY THE PUBLIC UTILITY COMMISSION OF TEXAS
on the 5th day of May 1997.

Madisonville To Bryan-College Station



This document was produced by the Texas Exchange Carrier Relations organization of Southwestern Bell Telephone Company on 8/12/97, 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