

96-159

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Request of Limited Modification of
LATA Boundaries to Provide ELCS
Between the Zavalla
exchange and the Jasper exchange.

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 Zavalla exchange and the Jasper 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;
3. Exchanges involved: Zavalla in the Houston, TX LATA and Jasper in the Beaumont, TX LATA;

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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4. Name of carriers: Zavalla of Contel/GTE Southwest, Inc. and Jasper of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: The Zavalla exchange has 69 access lines and the Jasper exchange has 12,272 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 Zavalla customers returning ballots who voted in favor of ELC to Jasper: 79.52. 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 customer or access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT requests that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Zavalla exchange and the Jasper exchange.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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February, 24 1998

PROJECT NO. 18032

PETITION FOR EXPANDED LOCAL	§	PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE	§	
ZAVALLA EXCHANGE TO THE	§	OF TEXAS
EXCHANGE OF JASPER	§	

INTERIM ORDER

Findings of Fact

1. On June 17, 1997 subscribers of the Zavalla Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Jasper.
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 Zavalla Exchange is in the Houston Local Access and Transport Area (LATA) and is served by GTE/Contel of Texas, Inc. (GTE/Contel). The petitioned exchange of Jasper is in the Beaumont LATA and is served by Southwestern Bell Telephone (SWB).
4. An affirmative vote of 79.52 percent of Zavalla Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Jasper 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. 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), the central office of the petitioned exchange of Jasper is 25.80 miles from the petitioning exchange central office.
7. 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 and petitioned exchanges was filed on June 17, 1997 for the petitioned exchange of Jasper.

8. The Jasper Exchange shares a public school district with the petitioning exchange of Zavalla.

9. Based on the statement referenced in Finding of Fact No. 8, there is a community of interest between the petitioning Zavalla Exchange and the petitioned exchange of Jasper.

Order

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

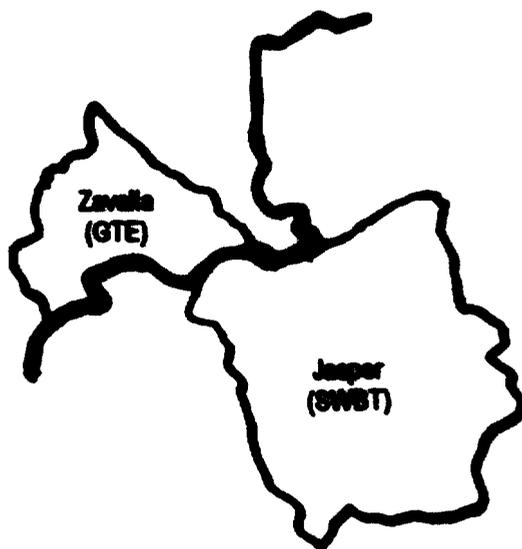
1. Petitioners from the Zavalla Exchange have shown a community of interest with the Jasper Exchange.

3. SWB 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 by January 31, 1998.

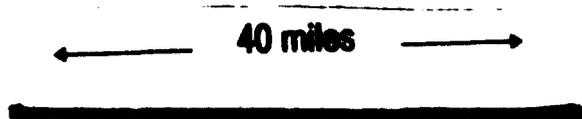
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWB is **DIRECTED** to file such Order or Notice in this project.

Zavalla to Jasper

Houston LATA

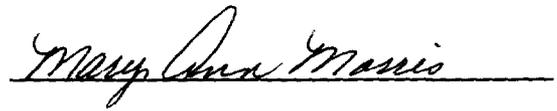


Beaumont LATA



Certificate of Service

I, Mary Ann Morris, hereby certify that the foregoing , "Petition for LATA boundary waivers" has been filed this 24th day of February, 1998 to the Parties of Record.

A handwritten signature in cursive script, reading "Mary Ann Morris", is written over a solid horizontal line.

Mary Ann Morris

February 24 1998

TEXAS PUBLIC UTILITY COMMISSION

1701 NORTH CONGRESS

AUSTIN, TEXAS 78701