

FCC MAIL SECTION
Federal Communications Commission

DA 98-429

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Before the
Federal Communications Commission
Washington, D.C. 20554
DISPATCH

In the Matter of)	
)	
Investigation of Alascom, Inc.)	CC Docket No. 95-182
Interstate Transport and Switching Services)	
)	
Alascom, Inc.)	Transmittal Nos. 921, 937, 941, and 942
)	
Revisions to Tariff F.C.C. No. 11)	

ORDER

Adopted: March 3, 1998

Released: March 3, 1998

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

I. INTRODUCTION

1. Alascom, Inc. (Alascom), filed Transmittal No. 941 on January 28, 1998, to revise its Tariff F.C.C. No. 11 (Tariff 11) for the dominant common carrier interexchange services that it provides in Alaska (Alaska Services).¹ Alascom filed Transmittal 941 to withdraw, revise, and resubmit certain proposed tariff revisions included in those portions of an earlier transmittal that had been deferred.² The tariff revisions proposed in Transmittal No. 941 are scheduled to become effective March 4, 1998. No petitions were filed against this transmittal. In this Order, we suspend for one day the effectiveness of these tariff revisions, set them for investigation, consolidate this investigation into the investigation initiated in the *Transmittal 790 Suspension Order*,³ and impose an accounting order.

II. BACKGROUND

2. On October 3, 1997, Alascom, Inc. (Alascom), filed Transmittal No. 921 to revise its Tariff F.C.C. No. 11 (Tariff 11) for its Alaska Services. On October 28, 1997, ATU-Long Distance, Inc. (ATU-LD) filed a petition to suspend and investigate Transmittal No. 921. In addition to challenging

¹ The Alaska Services offered by Alascom enable other domestic interexchange carriers to provide telecommunications service to and from Alaska. See Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands, CC Docket No. 83-1376, 9 FCC Rcd 3023 (1994) (*Market Structure Order*).

² To revise and clarify Transmittal No. 941, Alascom filed Transmittal No. 942 on January 29, 1998. For example, Transmittal No. 942 clarified that the portion of Transmittal No. 941 proposing to withdraw parts of Transmittal No. 921 was scheduled to become effective on one-day's notice and that the remaining portions of Transmittal No. 941 were scheduled to become effective March 4, 1998. In this Order, we use the phrase "Transmittal No. 941" to refer to Transmittal No. 941, as revised and clarified by Transmittal No. 942.

³ Alascom, Inc., Tariff F.C.C. No. 11, Trans. No. 790, CC Docket No. 95-182, 11 FCC Rcd 3703 (Com.Car.Bur. 1995) (*Transmittal 790 Suspension Order*) (suspending and investigating Alascom Transmittal Nos. 790 and 797).

Alascom's proposed rate structures, rate changes, and other terms and conditions of this service, ATU-LD objected to certain changes that Alascom proposed to make in the service ordering provisions included in Tariff 11. Alascom responded on November 10, 1997.

3. The tariff revisions proposed in Transmittal No. 921 were scheduled to become effective January 1, 1998. On December 30, 1997, we ordered a thirty-day deferral in the effective date of certain portions of Transmittal No. 921. Upon effectiveness, those portions of Transmittal No. 921 would have changed some of the Tariff 11 procedures under which customers submit orders, and Alascom processes those orders, for Alaska Services.⁴ On December 31, 1997, we adopted an order suspending for one day the effectiveness of the remaining portions of Transmittal No. 921, setting them for investigation, consolidating that investigation into the investigation initiated in the *Transmittal 790 Suspension Order*, and imposing an accounting order.⁵

4. Pursuant to an application for special permission dated January 23, 1998,⁶ and granted the following day,⁷ Alascom filed Transmittal No. 941 on January 28, 1998. Under Transmittal No. 941, Alascom proposed to withdraw the portions of Transmittal No. 921 concerning ordering procedures that were deferred by order of the Commission. For those portions, Alascom proposes in Transmittal No. 941 to substitute certain revised and new ordering procedures. The portion of Transmittal No. 941 proposing to withdraw the deferred portions of Transmittal No. 921 became effective January 29, 1998, on one day's notice. The remaining portions of Transmittal No. 941 are scheduled to become effective March 4, 1998.

5. With the revised and new ordering provisions included in Transmittal No. 941, we note Alascom seeks to delete or substantially revise several of the provisions proposed in Transmittal No. 921 that were challenged by ATU-LD and deferred by order of the Commission. Transmittal No. 941 continues, nevertheless, to raise the same issues regarding the terms and conditions of service as those identified in the *Transmittal 790 Suspension Order*. Like the earlier Alascom Transmittal Nos. 790, 797, 807, 852, and 921, Transmittal No. 941 raises the same questions regarding the extent to which the terms and conditions in the proposed tariff comply with the Communications Act and relevant Commission orders. We conclude, therefore, that significant questions of lawfulness have been raised concerning Alascom's Transmittal No. 941. Accordingly, we suspend the provisions of Transmittal Nos. 941 for one day, set those provisions for investigation, and consolidate that investigation with the investigation initiated in the *Transmittal 790 Suspension Order*. Consistent with our earlier orders, we also make these tariff changes subject to an accounting order to facilitate any refunds that may later be necessary. This

⁴ Accordingly, on December 30, 1998, Alascom filed Transmittal No. 937 to accomplish that deferral.

⁵ Investigation of Alascom, Inc., Interstate Transport and Switching Services, CC Docket No. 95-182; Alascom, Inc., Revisions to Tariff F.C.C. No. 11, Transmittal No. 921, Order (DA 97-2727) (Comp. Pricing Div., Com.Car.Bur., released Dec. 31, 1997).

⁶ AT&T Communications, Application for Special Permission (Application No. 351), filed Jan. 23, 1998.

⁷ Letter to M. Peterson, Administrator-Rates and Tariffs, AT&T Communications, from J.D. Schlichting, Chief, Competitive Pricing Division, Common Carrier Bureau, dated Jan. 24, 1998, granting Special Permission No. 98-0027.

and earlier accounting orders will assure that Tariff 11 customers will be able to receive refunds of any amounts improperly charged should the Commission ultimately determine that Alascom's tariff is unlawful.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, the revisions to Alascom, Inc. Tariff F.C.C. No. 11 contained in Transmittal No. 941, as revised by Transmittal No. 942, ARE SUSPENDED for one day from the effective date of the tariff, and an investigation of these tariff transmittals is instituted and included in CC Docket No. 95-182.

7. IT IS FURTHER ORDERED that Alascom, Inc., SHALL FILE tariff revisions within five business days of the release date of this Order to reflect this suspension.

8. IT IS FURTHER ORDERED that, for these purposes, we waive Sections 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.58, 61.59. Alascom should cite the "DA" number of the instant Order as the authority for this filing.

9. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, Alascom, Inc., SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the rates that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau