

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

## PUBLIC SERVICE COMMISSION

MAUREEN O. HELMER  
**Chairman**  
THOMAS J. DUNLEAVY  
JAMES D. BENNETT  
LEONARD A. WEISS  
NEAL N. GALVIN



LAWRENCE G. MALONE  
**General Counsel**

DEBRA RENNER  
**Acting Secretary**

July 16, 1999

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Portals II  
445 12th Street, S.W.  
Suite TW-A325  
Washington, D.C. 20554

RE: PaeTec Communications IntraLATA Toll Dialing Parity Plan;  
Implementation of the Local Competition Provisions of the  
Telecommunications Act of 1996; Public Notice DA 99-1370.

Dear Ms. Salas:

This letter is in response to the the Common Carrier  
Bureau's ("Bureau") request for comments on PaeTec  
Communications, Inc.'s ("PaeTec").

On March 23, 1999, the Federal Communications Commission  
("Commission") issued an order regarding local exchange carrier  
intraLATA toll dialing parity implementation plans ("dialing  
parity plans"). Specifically, the Order established a revised  
schedule which required local exchange carriers to file dialing  
parity plans with the Bureau on June 22, 1999, if a state  
commission has not yet acted on a LEC's intraLATA dialing parity  
plan.<sup>1</sup>

Several carriers, including PaeTec, failed to meet the New  
York Public Service Commission's (NYPSC) requirement that all  
local exchange carriers file a plan for providing intraLATA

---

<sup>1</sup> See, Implementation of the Local Competition Provisions of the  
Telecommunications Act of 1996, and Petition of  
Southwestern Bell Telephone Company, Pacific Bell, and  
Nevada Bell for Expedited Declaratory Ruling on  
Interstate IntraLATA Toll Dialing Parity or, in the  
Alternative, Various Other Relief, CC Docket No. 96-98,  
NSD File No. L-98-121, Order FCC 99-54 (rel. March 23,  
1999)("March 23 Order").

presubscription on April 22, 1999.<sup>2</sup> Consequently, on June 22, 1999, the NYPSC approved acceptable plans that were filed and directed unapproved carriers, including PaeTec, to file an intraLATA presubscription plan with the NYPSC by July 22, 1999. PaeTec filed its plan with the NYPSC on June 28, 1999.

We will forward a copy of the NYPSC's order on PaeTec's intraLATA presubscription plan, and any other carrier who has yet to receive NYPSC approval, as soon as a decision is issued. Accordingly, there is no basis for the Common Carrier Bureau to review and approve the New York plan submitted by PaeTec.<sup>3</sup>

Very truly yours,

Lawrence G. Malone  
General Counsel  
State of New York  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223  
(518) 474-2510

Attachment

cc: Lawrence Strickling, Chief,  
Common Carrier Bureau  
Al McCloud, Network Services Division  
Service List

---

<sup>2</sup> Case 94-C-0095, Proceeding on Motion of the Commission to Examine Issues Related to the Continuing Provision of universal Service and to Develop a Regulatory Framework for the Transition to Competition in the Local Exchange Market, Notice to All Telecommunications Carriers, (issued April 13, 1999).

<sup>3</sup> Omniplex Communications Group, LLC ("Omniplex") also failed to meet the NYPSC's requirement that all local exchange carriers file a plan for providing intraLATA presubscription on April 22, 1999. Omniplex filed its plan with the NYPSC on June 21, 1999. The NYPSC will also consider this plan in the near future.