

**STATE OF MISSOURI**

**PUBLIC SERVICE COMMISSION**

At a session of the Public Service

Commission  
held at its  
office in  
Jefferson  
City on the  
23rd day of  
December,  
1997.

In the Matter of the Designation of GTE Midwest )  
Incorporated as an Eligible Telecommunications ) Case No. TO-98-188  
Carrier (Eltel) in the State of Missouri per FCC )  
Universal Service Report and Order No. 96-45. )  
)

**ORDER APPROVING STIPULATION AND**

**DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIER**

GTE Midwest Incorporated (GTE) filed on November 5, 1997, an Application for Designation as Eligible Telecommunications Carrier Pursuant to Section 254 of the Telecommunications Act of 1996. GTE, an incumbent local exchange carrier, asked the Commission to designate it a telecommunications carrier eligible to receive federal universal service support under 47 C.F.R. ' 54.201(d). Beginning on January 1, 1998, any carrier that is eligible for universal service support must provide the services that are supported by federal universal support mechanisms as described in 47 C.F.R. ' 101 using its own facilities at least in part. The carrier must also advertise the availability of those services and the charges for them using media of general distribution. 47 C.F.R. ' 54.201(d). Where a telecommunications carrier is otherwise eligible for universal service support it may request additional time to complete the network upgrades necessary to provide single-party service, access to enhanced 911 service, or toll limitation. 47 C.F.R. ' 54.101(c). The Commission may grant a request for additional time only on a showing of exceptional circumstances and for the period of time the Commission deems necessary to complete the upgrades. *Id.* Because funding will become available under these conditions in January of 1998, GTE has asked the Commission to make a determination of its eligibility no later than December 31, 1997.

The Commission issued its order directing interested parties to file applications to intervene by November 26. MCI Telecommunications Corporation (MCI) and MCImetro Access Transmission Services, Inc. (MCImetro) filed a joint application to intervene on November 21, but failed to take a position in support of, or in opposition to, the application as required by 4 CSR 240-2.075 (2). The Commission directed MCI and MCImetro to file a statement of position or a request for hearing. The companies' position statement was filed on December 8. MCI and MCImetro stated that, if GTE is not willing to make certain specified commitments that were included in the stipulation in Case No. TO-98-49, the Commission should conduct a hearing where GTE should explain its position.

The Commission granted intervention to MCI and MCImetro on December 11 and directed GTE to file a pleading addressing the concerns raised in the application for intervention by December 17. GTE filed a response making the commitments requested by MCI and MCImetro.

The parties filed a Stipulation and Agreement (Stipulation) on December 22 which is included with this order as Attachment 1. The Stipulation provides for GTE to be designated an eligible telecommunications carrier for purposes of federal universal service support, and to be granted additional time to provide single-party service in all exchanges and toll limitation.

The parties agreed that GTE provides the following services:

- (1) Voice grade access to the public switched network;
- (2) Local usage;
- (3) Dual tone multifrequency signaling or its functional equivalent;
- (4) Access to emergency services;
- (5) Access to operator services;
- (6) Access to interexchange services; and
- (7) Access to directory assistance.

The parties stipulated that GTE is not capable at the present time of providing toll limitation for qualifying low-income customers, as that service is defined by the Federal Communications Commission (FCC) because it does not have the technical ability to provide toll control. Providing toll control will require extensive revisions to GTE's billing system and the establishment of totally new information exchanges among carriers. The parties agreed that exceptional circumstances prevent GTE from presently providing this service and that the Commission should grant additional time to implement it pursuant to 47 C.F.R. ' 54.101(c). The parties agreed that the GTE will either provide toll limitation, including toll control, on or before December 31, 1999. In the event that GTE will not be able to meet that deadline, it will file a request with the Commission for additional time by November 1, 1999, and a report setting out the current status of the technology. GTE agreed to serve a copy of these documents on each of the parties to this case. GTE will also provide reports regarding the status of the technology for toll control and the

progress being made toward its implementation on or before December 31, 1998, to the Commission and the parties to this case.

The parties stipulated that exceptional circumstances prevent GTE from providing single-party service to approximately 4200 of its customers. GTE is subject to a modernization plan that was approved by the Commission in Case No. TC-96-270. The plan calls for GTE to provide single party service to all of its Missouri customers by December 31, 1998. GTE requests an extension of time until that date to provide ubiquitous single party service. The parties to this case are agreed that GTE should be granted additional time up to December 31, 1998, to provide single-party service to all of its customers pursuant to 47 C.F.R. ' 54.101(c).

GTE filed tariff revisions regarding Lifeline and Link Up services to qualifying low-income customers on November 24.

The parties agreed that GTE qualifies for designation as an Eligible telecommunications carrier under the provisions of 47 C.F.R. ' 54.201(d) because, throughout its service area, with the exceptions noted above, it offers the services to be supported by federal universal service support using its own facilities. In addition, GTE advertises the availability of these services using directories, public record tariffs, and bill messages. GTE has agreed to comply with any additional advertising in media of general distribution that the Commission deems appropriate to meet the requirements of 47 C.F.R. ' 54.201(d)(2).

The parties recommended that the Commission issue an order to be effective prior to December 31, 1997, designating GTE as a telecommunications carrier eligible to receive federal universal service support, granting the requested additional time to provide single-party service and toll limitation, and designating GTE-s service area to be equivalent to its Astudy area unless and until determined otherwise pursuant to 47 C.F.R. ' 54.207(b).

The Commission has reviewed the pleadings in the case and the Stipulation and Agreement of the parties and finds that the Stipulation should be approved in resolution of all issues and GTE shall be designated an eligible telecommunications carrier for purposes of federal universal service support. The Commission finds that exceptional circumstances exist which prevent the GTE from providing ubiquitous single-party service and toll limitation and that the requested extensions of time shall be granted.

#### **IT IS THEREFORE ORDERED:**

1. That the Stipulation and Agreement filed by the parties on December 22, 1997, is approved in resolution of the issues.
2. That GTE Midwest Incorporated is designated an eligible telecommunications carrier for purposes of federal universal service support pursuant to 47 U.S.C. ' 214(e) and 254(e). GTE-s certificated Missouri service area shall be its service area for purposes of federal universal service support. GTE-s service area shall be equivalent to its Astudy area pursuant to 47 C.F.R. ' 54.207(b).
3. That GTE Midwest Incorporated is granted an extension of time until December 31, 1998, to provide single-party service to all its Missouri customers.

4. That GTE Midwest Incorporated is granted an extension of time until December 31, 1999, to provide toll limitation as defined by 47 C.F.R. ' 54.400. GTE will file a report with the Commission no later than December 31, 1998, regarding the status of the technology and progress being made toward implementing toll limitation. If exceptional circumstances continue to prevent compliance by the extended deadline, the GTE will file a request for additional time no later than November 1, 1999, accompanied by a report on the status of the technology as of that date.

5. That this order shall become effective on December 31, 1997.

6. That this case will be closed on January 2, 1998.

**BY THE COMMISSION**

**Dale Hardy Roberts**

**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Crumpton, Drainer

and Murray, CC., concur.

Wickliffe, Deputy Chief Regulatory Law Judge