

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

CC Docket No. 88-136

In the Matter of

Ameritech Services Revisions to Tariff F.C.C. No. 2	Transmittal No. 250
Bell Atlantic Telephone Company Revisions to Tariff F.C.C. No. 1	Transmittal No. 288
BellSouth Telephone Company Revisions to Tariff F.C.C. No. 1	Transmittal No. 222
Cincinnati Bell Telephone Company Revisions to Tariff F.C.C. No. 35	Transmittal No. 512
New York Telephone Company Revisions to Tariff F.C.C. No. 41	Transmittal No. 952
Pacific Bell Telephone Company Revisions to Tariff F.C.C. No. 128	Transmittal No. 1388
Southwestern Bell Telephone Company Revisions to Tariff F.C.C. No. 68	Transmittal Nos. 1753, 1755, and 1758

ORDER

Adopted: January 27, 1989; Released: January 30, 1989

By the Deputy Chief, Common Carrier Bureau:

1. By the above-referenced transmittals, various local exchange carriers (LECs) have proposed revisions to their tariffs for access services to establish rates and charges for Special Access Individual Case Basis (ICB) High Capacity DS3 offerings.¹ The revisions are scheduled to become effective on dates ranging from January 31, 1989, to February 11, 1989. None of the revisions is opposed.

2. On March 28, 1988, the Bureau released an Order initiating an investigation of a number of LECs' proposed ICB rates, designating for investigation issues concerning the LECs' continued use of ICB rates for DS3 offerings and establishing a pleading cycle.² The above-referenced transmittals raise the same issues as those transmittals subject to our *Designation Order*. Therefore, the instant transmittals will be subject to the outcome of that inves-

tigation. We also grant the LECs listed above special permission to advance the effective dates of these transmittals.

3. Accordingly, IT IS ORDERED that Ameritech Services, Tariff F.C.C. No. 2, Transmittal No. 250, Bell Atlantic Telephone Company, Tariff F.C.C. No. 1, Transmittal No. 288, BellSouth Telephone Company, Tariff F.C.C. No. 1, Transmittal No. 222, Cincinnati Bell Telephone Company, Tariff F.C.C. No. 35, Transmittal No. 512, New York Telephone Company, Tariff F.C.C. No. 41, Transmittal No. 952, Pacific Bell Telephone Company, Tariff F.C.C. No. 128, Transmittal No. 1388, and Southwestern Bell Telephone Company, Tariff F.C.C. No. 68, Transmittal Nos. 1753, 1755, and 1758 are subject to the investigation instituted in CC Docket No. 88-136.

4. IT IS FURTHER ORDERED that the local exchange carriers listed in paragraph 3, *supra*, may file tariff revisions, to be effective on not less than one day's notice, in order to advance the effective dates of the above-referenced transmittals. For this purpose, we waive Sections 61.56, 61.58, and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.56, 61.58, 61.59, and assign Special Permission No. 89-86.

5. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the subject tariff revisions ARE SUSPENDED for one day.

6. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act, 47 U.S.C. §§ 154(i), 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, all local exchange carriers subject to this investigation shall keep accurate account of all amounts received pursuant to Individual Case Basis rates for DS3 services which are the subject of such investigation.

FEDERAL COMMUNICATIONS COMMISSION

Carl D. Lawson
Deputy Chief, Common Carrier Bureau

FOOTNOTES

¹ We note that while the LECs' filings also proposed ICB rates for other services, this Order deals only with the proposed ICB rates for DS3 and DS3-equivalent services.

² Local Exchange Carriers' Individual Case Basis DS3 Service Offerings, CC Docket No. 88-136, Order Designating Issues for Investigation, 3 FCC Rcd 2582 (1988) (*Designation Order*). See also Supplemental Order Designating Issues for Investigation, CC Docket No. 88-136, 3 FCC Rcd 6066 (1988); Public Notice, Network Communications, Inc. Files Comments on Individual Case Basis Rates for DS3 Services, CC Docket No. 88-136, DA 89-2, released Jan. 27, 1989.