

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

In the Matter of)
)
 GTE Telephone Operating Companies)
)
)
 Request for Extension of)
 Waiver of the)
 Commission's Equal Access)
 Implementation Plan for)
 Independent Telephone Companies)

MEMORANDUM OPINION AND ORDER

Adopted: March 3, 1995

Released: March 6, 1995

By the Chief, Policy and Program Planning Division:

1. In an order released November 15, 1991, the Chief, Common Carrier Bureau, granted ALLTEL Michigan, Inc. (Alltel) a waiver of the Commission's equal access implementation requirements for its Lambertville, Michigan, exchange.¹ As a result, the equal access conversion for the Lambertville exchange was to be completed by November 15, 1994. In early 1994, GTE Telephone Operation Companies (GTE) acquired the Lambertville exchange from Alltel. On September 28, 1994, GTE filed a request with the Commission seeking an extension of the initial waiver for the Lambertville exchange.² In this order, we grant GTE's request for an extension of the Commission's equal access implementation requirements until April 14, 1995.

¹ In the Matter of Illinois Consolidated Telephone Company, et al, Requests for Waiver of the Commission's Equal Access Implementation Plan for Independent Telephone Companies, 6 FCC Rcd 6648 (Com. Car. Bur. 1991).

² FCC Public Notice, DA 94-1135, Pleading Cycle Established for Comments on GTE's Petition for Waiver of Commission's Equal Access Rules for Lambertville, MI, released October 12, 1994.

2. In the ITC Equal Access Order, the Commission required independent telephone companies (ITCs) to convert end offices equipped with stored-program-controlled (SPC) switches within three years of a reasonable request for conversion to equal access by an interexchange carrier.³ The Commission provided, however, that ITCs may seek a waiver of this requirement if they "can demonstrate that such a timetable, or the provision of such access features, is not feasible except at costs that clearly outweigh potential benefits to users of telecommunications services."⁴

3. In 1991, Alltel filed a petition with the Commission seeking a waiver of the Commission's conversion timetable for its Lambertville exchange. The Bureau concluded that Alltel justified its request by demonstrating that the timetables established by the Commission's rules were not feasible except at costs that clearly outweighed potential benefits. The Bureau therefore granted an additional three years and eight months, until November 15, 1994, to complete the equal access conversion for the Lambertville exchange.⁵

4. In this order, we consider GTE's request for an extension of the waiver initially granted to Alltel for the Lambertville exchange. GTE states that it acquired the Lambertville exchange from Alltel in early 1994, and that all customer line data was transferred to GTE by June 1994. At the time GTE filed its waiver extension request, the Lambertville exchange was equipped with a Northern Telecom SP-1 switch that was not compatible with equal access technology. GTE states that it planned to replace the Lambertville switch with new technology on October 27, 1994. GTE states that based on its balloting and allocation guidelines, the equal access conversion for the Lambertville exchange is scheduled for April 14, 1995.⁶

5. GTE states that it was unaware when it scheduled the Lambertville conversion that Alltel had obtained a waiver from the Commission to defer the conversion until November 15, 1994. GTE requests an extension of the waiver because the schedule is in place for the Lambertville exchange to be converted on April 14, 1995. GTE adds that the interested interexchange carriers have been advised of the new date, and they have not expressed objections to GTE's equal access timetable.

³ MTS and WATS Market Structure, CC Docket No. 78-72, Phase III Order, 100 FCC 2d 860 (1985) (ITC Equal Access Order).

⁴ ITC Equal Access Order, 100 FCC 2d at 875, para. 50.

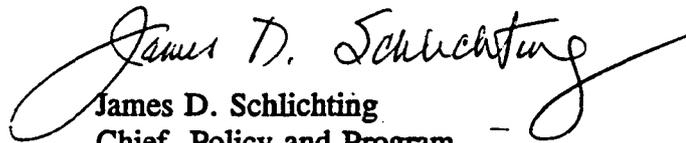
⁵ See Illinois Consolidated Telephone Cos., 6 FCC Rcd at 6649.

⁶ On March 1, 1995, GTE sent a letter stating that the conversion timetable described in its petition is being met and the equal access conversion will take place on April 14, 1995. See Letter from F. Gordon Maxson, Director-Regulatory Affairs, GTE Service Corporation, to Peggy Reitzel, FCC, dated March 1, 1995.

6. Based on our review of the record, we conclude that the extension is in the public interest. GTE is here requesting an extension of an existing waiver that was granted pursuant to the ITC Order.⁷ By extending the initial waiver, GTE will be permitted to maintain the balloting and allocation schedule that is already in place. GTE's request was put on public notice, and no comments were filed. GTE has proceeded in a reasonable fashion to convert the Lambertville exchange to equal access, as it placed equal access compatible technology in service on October 27, 1994. The interested carriers have not opposed GTE's proposed new completion date for equal access conversion. Thus, we grant GTE's request for an extension until April 14, 1995, to complete the equal access conversion for the Lambertville exchange.

7. Accordingly, IT IS ORDERED that GTE's request to extend the waiver of the equal access implementation requirements for Lambertville, Michigan, is GRANTED to the extent described herein.

Federal Communications Commission


James D. Schlichting
Chief, Policy and Program
Planning Division
Common Carrier Bureau

⁷ GTE, of course, is also subject to the independent equal access conversion requirements of the GTE Consent Decree, which requires GTE to provide equal access as promptly as possible, and in no case, more than twelve months after receipt of a written request from any interexchange carrier. *United States v. GTE*, 603 F. Supp. 730, 743-46, (D.D.C. 1984).