



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

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RECORDS AND REPORTING

**DATE:** APRIL 8, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (AUDU) *A*  
DIVISION OF LEGAL SERVICES (COX) *WPC MRB*

**RE:** DOCKET NO. 971399-TP - PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. TO LIFT MARKETING RESTRICTIONS IMPOSED BY ORDER NO. PSC-96-1569-FOF-TP.

**AGENDA:** 4/20/99 - REGULAR AGENDA - POST HEARING DECISION - RECOMMENDATION TO CLOSE THE DOCKET

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WF\971399.RCM

### CASE BACKGROUND

On October 21, 1997, BellSouth Telecommunications, Inc. (BellSouth or the Company) filed a Petition to Lift the (intraLATA toll) Marketing Restrictions imposed by Order No. PSC-96-1569-FOF-TP, in Docket No. 930330-TP. On February 17, 1998, Order No. PSC-98-0293-FOF-TP was issued denying the Joint Motion to Dismiss and setting the matter for hearing. On June 18, 1998, an evidentiary hearing was conducted to address the issues of whether the marketing restrictions should be lifted and what relief is due to BellSouth, if any. On October 28, 1998, Order No. PSC-98-1469-FOF-TP was issued.

In Order No. PSC-98-1469-FOF-TP, the Commission granted BellSouth relief from the marketing restrictions on new customers as specified in Section III, Item 1, of Order No. PSC-96-1569-FOF-TP, issued December 23, 1996, in Docket Nos. 930330-TP and 960658-TP. Specifically, the Commission modified Section III, Item 1, to

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include the phrase **in addition to us**. The relief granted to BellSouth became effective at the issuance of the final order on October 28, 1998.

Also, the Commission required BellSouth to file a report with the Commission no later than February 1, 1999, on LPIC activity and the distribution of LPIC-able access lines for the six-month period following expiration of the marketing restrictions on existing customers. The marketing restrictions on existing customers expired on June 23, 1998. This recommendation addresses the findings of the BellSouth's LPIC activity and the distribution of LPIC-able access lines as filed by BellSouth on February 4, 1999, and whether this docket should be closed.

#### **STAFF DISCUSSION**

**ISSUE 1:** Should this docket be closed?

**RECOMMENDATION:** Yes. Staff has reviewed BellSouth's intraLATA market conditions report as required by Order No. PSC-98-1469-FOF-TP, and staff has determined that there have been no significant changes in market conditions. Since there are no other matters for the Commission to address at this time, staff recommends that this docket be closed. (AUDU, COX)

#### **STAFF ANALYSIS:**

In Commission Order No. PSC-98-1469-FOF-TP, the Commission decided to keep this docket open to allow BellSouth to file its six month intraLATA LPIC report. BellSouth filed its report with the Commission on February 4, 1999. Staff has reviewed this report, and there are no material changes in the market data contained in this report. Staff notes that all parties were served with a copy of the report, and as of the time of filing this recommendation, staff is not aware of any party that has filed a response regarding this report. Thus, staff believes it is appropriate to close this docket, since there are no further matters left for the Commission to address in this docket.