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May 6, 1999

990546

Blanca Bayo, Director  
Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Dear Ms. Bayo:

Enclosed please find the original and seven copies of a Petition for Suspension of the FCC's Toll Dialing Parity Requirements. This petition is being filed on behalf of GTC, Inc., as suggested by the FPSC staff per Walter D'Haeseleer's letter, dated April 30, 1999.

Sincerely,



David B. Erwin  
Attorney for GTC, Inc.

DBE:jm  
Enclosure  
Copy to: Walter D'Haeseleer

AFA	_____
APP	_____
CAF	_____
CMU	_____
CTR	_____
EAG	_____
LEG	_____
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

added 5-18-01

## BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of GTC, Inc. )  
 for Suspension of the FCC's )  
 Toll Dialing Parity )  
 Requirements )  
 \_\_\_\_\_)

Docket No.

Filed:

PETITION OF GTC, INC., FOR  
 SUSPENSION OF THE FCC'S  
 TOLL DIALING PARITY  
 REQUIREMENTS

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GTC, Inc., through its undersigned attorney, hereby petitions the Florida Public Service Commission for suspension of the FCC's toll dialing parity requirements, and in support of its petition states as follows:

1. FCC Order 96-333 set forth the requirements to be followed by LECs with regard to toll dialing parity. Special implementation schedules for smaller LECs were determined to be unnecessary because such LECs could petition their state commission for a suspension or a modification of the dialing parity requirements.

2. Litigation subsequent to FCC Order 96-333, put matters on hold, but the United States Supreme Court, in *AT&T v. Iowa Utilities Board*, 119 S. Ct. 721 (1999) held that the FCC had jurisdiction to implement the local competition provisions of the Telecommunications Act of 1996, and FCC Order 99-54 was adopted on March 19, 1999.

3. FCC Order 99-54 extended the February 8, 1999 deadline (set in FCC Order 96-333) until May 7, 1999 for all LECs to implement toll dialing plans already filed and approved by state regulatory commissions.

4. GTC, Inc. never filed a plan with the Florida Public Service Commission (FPSC), but the FPSC adopted a plan for GTC, Inc. and other small LECs in Order No. PSC-95-0203-FOF-TP, Docket No. 930330-TP, and the FCC acknowledged in Order FCC 99-54 that Florida had implemented a plan. GTC, Inc. believes that it had implemented the FPSC plan and so notified the FPSC by letter, dated April 21, 1999. It is arguable, however, that since the FPSC plan for small LECs is contingent upon receipt of a bona fide request, the plan in that regard is defective and that a firm implementation schedule is required.

5. GTC, Inc. is unable to adhere to a firm implementation schedule, as set forth in FCC Order 99-54, and therefore, as originally suggested in FCC Order 96-333, paragraph 58, GTC, pursuant to section 251(f)(2) of the 1996 Telecommunications Act, files this request for suspension and modification of the implementation schedule established by FCC Order 99-54.

6. GTC, Inc. has fewer than 2 percent of the Nation's subscriber lines, which is a condition to filing this petition. GTC, Inc., is one of several small LECs in Florida, which together have even fewer than 2 percent of the subscriber lines in Florida, a fact well known to and contained in numerous records of the FPSC.

7. If the FPSC does not determine that a suspension and modification of the schedule for implementation of toll dialing parity is appropriate for GTC, Inc, it will impose a requirement on GTC, Inc. that is technically infeasible and is contrary to section 251(f)(2)(A)(iii) of the 1996 Telecommunications Act. GTC, Inc. is in the middle of a process of replacing numerous central office switches throughout its service territory, except for the old Gulf Telephone territory in Taylor County. Until these switches have been replaced, GTC, Inc. can not technically provide toll dialing parity in the old St. Joseph and Florala territories.

8. GTC, Inc. will have its central office switches installed, with appropriate software, and should be able to provide toll dialing parity in the first quarter of 2000. GTC, Inc. could technically provide toll dialing parity in the old Gulf Telephone territory, but to do so in only one portion of the company's territory would be confusing to customers and expensive to the company.

9. A decision by the FPSC to suspend and modify the FCC implementation schedule to permit toll dialing parity on or before March 31, 2000, would be consistent with the public interest, convenience and necessity.

WHEREFORE and in consideration of the above, GTC, Inc., petitions the FPSC to modify and suspend the FCC implementation schedule to allow GTC, Inc. to implement toll dialing parity on or before March 31, 1999.



David B. Erwin  
Attorney for GTC, Inc.