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Georgia Public Service Commission

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334

DOCKET NO. 3645-U

Certificate No. 818

IN RE: Application of United States Transmission Systems, Inc. for a
Certificate of Public Convenience and Necessity

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

TOLL LINES

Decided: January 6, 1987

BY THE COMMISSION:

On November 19, 1986, United States Transmission Systems, Inc. (hereinafter referred to as "US Transmission") filed with the Georgia Public Service Commission (hereinafter the "Commission") an application for a Certificate of Public Convenience and Necessity to provide interLATA interexchange telecommunications services within the State of Georgia. By way of background, this application was originated from litigation involving American Telephone and Telegraph Company which resulted in what is commonly referred to as the Modified Final Judgement, the consent decree entered by the United States District Court in United States v. American Telephone and Telegraph Company, 552 F. Supp. 131 (D.D.C. 1982), aff'd sub nom. Maryland v. United States, 103 S. Ct. 1240 (1983).

This decree, among other things, precluded Southern Bell Telephone and Telegraph from providing service between the five Local Access and Transport Areas ("LATA") that were established in Georgia by the Federal Court.

In filing this application, US Transmission seeks authority to become an interLATA interexchange facilities-based carrier operating in the State of Georgia. The Company will construct, own and operate microwave facilities throughout the State. The Company will supplement its microwave network with the resale of WATS and MTS.

US Transmission has reviewed the orders issued in Docket No. 3446-U (MCI Certification), Docket No. 3451-U (GTE-Sprint Certification), Docket No. 3458-U (Microtel Certification), Docket No. 3501-U (SouthernTel Certification) and specifically agrees to accept the same terms, conditions, and restrictions imposed by the Commission in those dockets to be placed in any order issued regarding US Transmission's application.

US Transmission submits that there would be absolutely no variation from their proposed operations as compared to the proposed operations of MCI, GTE-Sprint, Microtel, SouthernTel or U.S. Sprint in providing strictly inter-LATA facilities based intrastate telecommunications services.

In Administrative Session on January 6, 1987, the Commission voted to waive hearings on US Transmission's application.

After having heard the views of the parties and after consideration of the evidence before the Commission, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1.

In filing this application, US Transmission seeks authority to become an interLATA interexchange facilities-based carrier operating in the State of Georgia.

2.

The State of Georgia has been divided, as a consequence of certain federal court decisions, into five LATA's (local access and transport areas).

3.

In filing this application, US Transmission seeks authority to provide intrastate toll service throughout the State of Georgia by use of microwave and other means, including but not limited to, the resale of WATS and MTS.

4.

US Transmission is a long-distance telecommunications carrier authorized by the Federal Communications Commission ("FCC") to construct and operate interstate telecommunications services.

5.

US Transmission proposes eventually to provide intrastate toll service to the entire state of Georgia. The Company initially will be capable of originating calls from Atlanta, Rome, Athens, Marietta, Columbus, Albany and Macon areas.

6.

US Transmission customers in Georgia may take advantage of universal call termination in any city outside of the State, and any USTS customer located outside of the State of Georgia may take advantage of universal call termination in any Georgia city.

7.

Currently, US Transmission customers in the Atlanta, Rome, Athens, Marietta, Columbus, Albany and Macon metropolitan areas may take advantage of the US Transmission system to originate interstate long-distance calls.

The Commission finds that US Transmission has the financial, technical and managerial ability to provide the inter-LATA intrastate telecommunications service for which it is seeking a Certificate of Public Convenience and Necessity.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

1.

Pursuant to O.C.G.A. Section 46-5-41, 46-2-23, and 46-2-25 the Commission has jurisdiction to grant the certificate requested herein and to determine the reasonableness of the rates, charges, classifications and services contained in the interim tariffs currently filed by US Transmission.

2.

O.C.G.A. Section 46-5-43 requires that when an application to acquire or operate a telephone system is received, proper notice of the application shall be given to specifically identified groups and classes of persons.

3.

The Commission, pursuant to O.C.G.A. Section 46-5-41, has the authority, based upon applicable law, after hearing to refuse to issue the certificate or to issue it in part or in whole.

4.

The Commission concludes that the present public convenience and necessity to allow the issuance of an inter-LATA Certificate of Public Convenience and Necessity to US Transmission.

5.

The Commission further concludes that this certificate authorizes US Transmission to provide inter-LATA services between the origination areas identified on a map which is attached hereto and made a part hereof. The Commission expressly reserves for later hearings any decision on all issues concerning intra-LATA services.

6.

The Commission further concludes that all companies providing services between Georgia's LATA should take certain steps to insure that customers utilizing the services of the companies authorized to provide inter-LATA services do not utilize those services to complete calls that both originate and terminate within a given LATA.

WHEREFORE, it is

ORDERED, that a certificate of Public Convenience and Necessity No. 818 is hereby granted to United States Transmission Systems, Inc., for the provision of inter-LATA intrastate telecommunications service in Georgia, more specifically set forth on the copy of the map attached hereto and made a part thereof.

ORDERED FURTHER, US Transmission shall provide intrastate inter-LATA services pursuant to their interim tariff.

ORDERED FURTHER, US Transmission shall file 10 copies of their proposed interim tariff with the Commission; approval of this tariff is subject to affording Commission staff and all parties an opportunity to comment on or object to any tariff provision believed to be unfair or unlawful.

ORDERED FURTHER, the certificate granted herein does not authorize US Transmission to provide intra-LATA service at this time, and final decision on its application to do so is specifically reserved by the Commission.

ORDERED FURTHER, to insure that customers subscribing to the services of the inter-LATA carrier do not utilize such services to complete calls which both originate and terminate within a given LATA, US Transmission shall comply with the following:

- A. US Transmission shall provide to its customers, on a quarterly basis for one year, information in each customer's bill which includes language explaining the intra-LATA restrictions on its authority and including a map showing Georgia's five LATAs.
- B. In any promotional material showing comparisons between the rates of any two or more inter-LATA carriers, US Transmission shall include the following language noting that all rate comparisons are between the inter-LATA carriers and apply only to inter-LATA calls.
- C. US Transmission will assist in assuring that its customers receive a uniform notification from this Commission which shall explain the intra-LATA restrictions that have been placed on inter-LATA carriers.
- D. Any written advertisements for US Transmission designed specifically for use or distribution in Georgia shall include language clearly noting the intra-LATA services restrictions placed on inter-LATA carriers.

- E. In order to evaluate the effect that the above-stated measures have had in preventing customers from making calls in violation of the inter-LATA certificate issued to US Transmission, US Transmission, in cooperation with the Commission staff and the local exchange carriers, shall complete statistically valid studies to determine the extent to which intra-LATA calls are being completed in violation of the tariffs of the inter-LATA carrier. These studies shall be presented for the consideration of this Commission no later than January 6, 1988. In the event the Commission determines, after due consideration of these studies, that there are appreciable violations of the intra-LATA restrictions noted herein, the Commission, after giving all parties at interest to these proceedings an opportunity to be heard, shall determine what additional steps, if any, may be necessary in order to avoid violations of the intra-LATA restrictions contained in the inter-LATA certificates issued herein, including, but not limited to, appropriate payment of compensation to the local exchange carriers for loss of contribution associated with such intra-LATA traffic.

ORDERED FURTHER, that because the local exchange carrier will be able to block intra-LATA traffic at central offices offering Feature Group D access, that provisions of this order set forth in the paragraph above shall not apply to any current or potential customers of US Transmission served by an exchange for which US Transmission has ordered Feature Group D access from the local exchange company serving that customers's exchange.

ORDERED FURTHER, although the Commission acknowledges that state-wide service, on an originating basis, cannot currently be rendered by US Transmission, this certificate is conditioned upon good faith efforts by the Company to provide originating service to all customers in Georgia by expanding its network and capacity and by accepting Feature Group D service offering as those offers and appropriate connecting facilities become available.

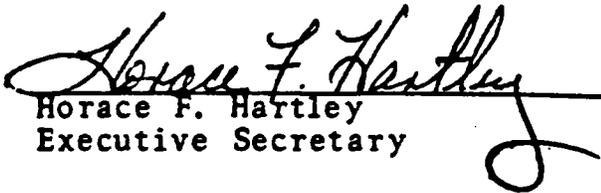
ORDERED FURTHER, the Commission reserves the right to issue any further orders in this proceeding addressing issues or problems not otherwise specifically addressed or which the Commission deems proper to address.

ORDERED FURTHER, that jurisdiction over this proceeding is expressly retained for the purpose of taking any further action, holding further hearings or entering such further order as may be meet and proper.

ORDERED FURTHER, that no motion for reconsideration and/or rehearing in this case shall have the effect of staying this Order of the Commission, except insofar as the Commission may otherwise provide.

BY ORDER OF THE GEORGIA PUBLIC SERVICE COMMISSION, this the 6th day of January, 1987.

The above order was reduced to writing and signed by the Chairman and Executive Secretary this the 12th day of January, 1987 and shall be effective from this date pursuant to Georgia Law as provided in O.C.G.A. Section 46-2-25(d).



Horace F. Hartley
Executive Secretary



Gary B. Andrews
Vice Chairman