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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 ITS Telecommunications Systems, Inc., as suggested by the FPSC staff per Walter D'Haeseleer's letter, dated April 30, 1999.

Sincerely,



David B. Erwin
Attorney for ITS Telecommunications
Systems, Inc.

DBE:jm
Enclosure
Copy to:

Walter D'Haeseleer

AFA	_____
APP	_____
CAF	_____
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FPSC-RECORDS/REPORTING

added 5-18-99

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of ITS Telecommunications)
 Systems, Inc. for Suspension of the)
 FCC's Toll Dialing Parity Requirements)
 _____)

Docket No.

Filed:

PETITION OF ITS TELECOMMUNICATIONS SYSTEMS, INC.,
 FOR SUSPENSION OF THE FCC'S
 TOLL DIALING PARITY

 REQUIREMENTS

ITS Telecommunications Systems, Inc. (ITS), 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. ITS never filed a plan with the Florida Public Service Commission (FPSC), but the FPSC adopted a plan for ITS 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. ITS 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. ITS 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, ITS, pursuant to section 251(f)(2) of the Telecommunications Act of 1996, files this request for suspension and modification of the implementation schedule established by FCC Order 99-54.
6. ITS has fewer than 2 percent of the Nation's subscriber lines, which is a condition to

filing this petition. ITS 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. The FPSC should grant a suspension and modification of the schedule for implementation of toll dialing parity for ITS. Failure to do so would impose a requirement that would create technical difficulties and interfere with proper and adequate customer education. ITS needs to have its switch manufacturer personnel install and activate the switch functionalities to permit toll dialing parity, and due to the sudden need for their services throughout the country, as a result of FCC Order 99-54, ITS is not certain when personnel will be available to attend to the ITS switch. ITS also needs time to educate its customers about intraLATA toll dialing parity. A decision by the FPSC to suspend and modify the FCC implementation schedule to permit toll dialing parity effective on or before September 30, 1999, would be consistent with the public interest, convenience and necessity.

WHEREFORE and in consideration of the above, ITS petitions the FPSC to modify and suspend the FCC implementation schedule to allow ITS to implement toll dialing parity on or before September 30, 1999.



David B. Erwin
Attorney for ITS Telecommunications
Systems, Inc.