DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

JOE CUSICK

BIRDELLE BROWN

MADONNA FAUNCE

DAVID SCOTT

WORKING FILE

FROM:WELDON STUTZMAN

DATE:OCTOBER 2, 1998

RE:CASE NO. GNR-T-94-5; MOTION FOR DECLARATORY RULING BY MCI TELECOMMUNICATIONS

On October 1, 1998, MCI Telecommunications Corp. filed a single pleading entitled Motion for Declaratory Ruling, Motion for Order Requiring U S WEST to File Implementation Schedule, and Request for Prehearing Conference.  By its Motion, MCI asks the Commission first to issue a declaratory ruling to clarify that U S WEST must implement intraLATA toll dialing parity in its service territory.  Toll dialing parity, also called 1+ equal access or carrier presubscription, allows a customer to preselect a carrier for intraLATA toll calls and access its carrier of choice simply by dialing 1+ the telephone number.  MCI argues that “the legal requirement to offer toll dialing parity is clear,” and asks the Commission to “declare that toll dialing parity must be offered by U S WEST not later than February 8, 1999.”

MCI also asks the Commission, after declaring that U S WEST must offer toll dialing parity, to require U S WEST to file a plan for implementing the service no later than February 8, 1999.  Finally, MCI asks the Commission to schedule a prehearing conference sometime after the date set by the Commission for U S WEST to file its implementation plan.  According to MCI, the purpose of the prehearing conference would be to determine whether any parts of the plan are contested and thus require resolution by the Commission through a hearing process.

MCI asks the Commission to first issue a declaratory ruling on a legal matter.  MCI suggests that all parties should be provided an opportunity to file an answer within fourteen days, and file responsive briefs within seven days thereafter.  Accordingly, Staff recommends that the Commission issue an Order providing an opportunity for all parties to respond to MCI’s Motion for a declaratory ruling by filing written briefs by a date certain (perhaps October 21), and allowing responsive briefs to be filed within seven to fourteen days following the initial briefs.  Once the Commission resolves the legal issue identified by MCI, the Commission could address the other relief requested by MCI.

Commission Decision

Should the Commission issue an Order establishing a briefing schedule in response to MCI’s Motion for a Declaratory Ruling?

Weldon Stutzman

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