

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)
)
SMS/800) Transmittal No. 18
Revisions to Tariff F.C.C. No. 1)

ORDER

Adopted: June 14, 2001

Released: June 14, 2001

By the Chief, Competitive Pricing Division:

I. INTRODUCTION

1. In this Order, we suspend for one day and set for investigation the tariff revisions filed in Tariff F.C.C. No. 1 by the Bell Operating Companies (“BOCs”).¹ The revisions in Tariff F.C.C. No. 1 reduce certain rates and charges, and modify various terms and conditions for the SMS/800 Functions tariff.² The revisions were filed in Transmittal No. 18 on May 31, 2001 with an effective date of June 15, 2001.

2. On June 7, 2001, Sprint Corporation (“Sprint”) filed a petition for suspension and investigation, and an accounting of the BOCs’ tariff filing. On June 12, 2001, the BOCs filed a response to Sprint’s petition.

II. DISCUSSION

3. Sprint argues that the BOCs have failed to adequately support the reasonableness of their forecasted revenue requirement, including the contribution amount. Sprint also argues that the BOCs should be required to refund past period overcharges and to commit to future tariff filings to reflect expected increases in demand. We find that these petitions raise substantial questions of lawfulness that warrant investigation. These issues include, but are not limited to, whether the BOCs have failed to adequately support the reasonableness of their forecasted revenue requirement including contribution and demand forecasts.

4. Accordingly, we suspend the BOCs’ tariff filings for one day and initiate an investigation into the lawfulness of the tariffs. The specific issues that will be the subject of the

¹ The BOCs are BellSouth Telecommunications, Inc., SBC Communications, Inc., Qwest Corporation, and Verizon Communications, Inc.

² The tariff revisions also include changing: (a) the name of U S West Communications, Inc., to Qwest Corporation as a result of their merger; (b) the names of Bell Atlantic Telephone Companies and NYNEX Telephone Companies to Verizon Communications, Inc. as a result of their merger; and (c) the names of the Ameritech Operating Companies, Nevada Bell, Pacific Bell and Southwestern Bell Telephone Company to SBC Communications, Inc. as a result of their mergers.

investigation will be identified in an upcoming designation order and may include, but may not be limited to, the issues identified in this Order. We may also, by Order, identify discrete issues that do not warrant further investigation.

III. *EX PARTE* REQUIREMENTS

5. This investigation is a permit-but-disclose proceeding and subject to the requirements of section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), as revised. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules. 47 C.F.R. § 1.1206(b).

IV. ORDERING CLAUSES

6. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, the remaining tariff revisions filed by the Bell Operating Companies under Transmittal No. 18 ARE SUSPENDED for one day from the effective date and an investigation IS INSTITUTED.

7. IT IS FURTHER ORDERED that, pursuant to Sections 204(a) and 4(i) of the Communications Act of 1934, 47 U.S.C. §§ 204(a) and 154(i), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 U.S.C. §§ 0.91 and 0.291, the Bell Operating Companies SHALL KEEP ACCURATE ACCOUNT of all monies received that are associated with the rates that are subject to this investigation.

8. IT IS FURTHER ORDERED that the Bell Operating Companies SHALL FILE supplements reflecting the one day suspension. For this purpose, we waive Sections 61.58 and 61.59 of the Commission's rules, 47 C.F.R. §§ 61.58 and 61.59. Carriers should cite the "DA" number on the instant Order as the authority for the filings.

9. IT IS FURTHER ORDERED that the Bell Operating Companies SHALL FILE these supplements no later than five business days from the release date of this Order.

10. IT IS FURTHER ORDERED that the petition of Sprint Corporation to suspend and investigate the SMS/800 Functions tariff filings of the Bell Operating Companies IS GRANTED to the extent indicated herein and otherwise IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau