

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

In the Matter of	)	
	)	
Rochester Telephone Corp.	)	
Petition for Authorization, Pursuant to	)	
Section 214 of the Communications Act	)	File No. W-P-C-7157
of 1934, as Amended, for Authority	)	
to Offer Domestic, Interstate, Interexchange	)	
Services on a Resale Basis	)	

**ORDER**

**Adopted:** July 14, 1997

**Released:** July 17, 1997

By the Chief, Network Services Division:

1. Rochester Telephone Corp. (Rochester), on February 25, 1997, filed an application under Section 214 to provide domestic interstate, interexchange services on a resale basis. Public Notice was published on April 15, 1997.

2. On May 6, 1997, Rochester filed a motion to hold the application in abeyance. Rochester indicates that it had intended to provide the specified interexchange services itself, rather than through a separate corporate entity, under the Commission's Fifth Report and Order in its *Competitive Carrier* proceeding<sup>1</sup> but that the Commission recently ruled that a local exchange carrier must provide such services through an affiliate.<sup>2</sup> Rochester states that it anticipates petitions for reconsideration or petitions for review of that ruling will be filed and that the Commission should hold its application in abeyance pending such petitions.

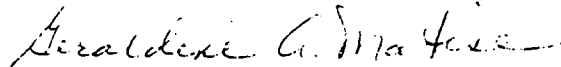
3. Commission records indicate that several petitions for reconsideration have been filed. Rochester's application will be dismissed without prejudice, however, rather than held in abeyance as requested. This action will allow Rochester to refile its application in accord with the Commission's resolution of the petitions for reconsideration.

<sup>1</sup> Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor, CC Docket 79-252. *Fifth Report and Order*, 98 F.C.C. 2d 1191, 1198-99 (1984).

<sup>2</sup> Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area. *Second Report and Order*, CC Docket No. 96-149, and Policy and Rules Concerning the Interstate, Interexchange Marketplace. *Third Report and Order*, CC Docket No. 96-61, FCC 97-142 (rel. April 18, 1997).

4. Accordingly, IT IS ORDERED, pursuant to the authority delegated in Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that Rochester's motion to hold in abeyance is denied but that its application filed February 25, 1997, is DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION



Geraldine A. Matis  
Chief, Network Services Division  
Common Carrier Bureau