

DIVIDER

STATE OF NORTH DAKOTA
INFORMATION TECHNOLOGY DEPARTMENT
SFN 2053 (4-2002)

PU-967-02-627

Excel Telecommunications, Inc.

Toll Dialing Parity

Application

Filed 11/27/2002

Closed 1/17/2003

02

DESCRIPTION



Public Service Commission
Receipt of Payment

Receipt# 5441

Received: 6/24/2003 Check# 3510977 for \$179.61
Subject: Utility Valuation (pd for Excel Telecom)

Docket # PU-967-02-627

VarTec Telecom, Inc.
1600 Viceroy Drive
Dallas TX 75235

11 **PU-967-02-627**

Pages: 1

Receipt# 5,441 \$179.61

by VarTec Telecom, Inc.

06/24/2003

APPROVED

DATE: 3-12-03
KME

MOTION

March 12, 2003

Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Case No. PU-967-02-627

I move the Commission bill Excel Telecommunications Inc. for costs incurred to date in Case No. PU-967-02-627, Excel Telecommunications, Inc., Toll Dialing Parity, Application.



Public Service Commission
State of North Dakota

COMMISSIONERS

Tony Clark, President
Leo M. Reinbold
Susan E. Wefald

Executive Secretary
Jon H. Mielke

600 E Boulevard Ave. Dept. 408
Bismarck, North Dakota 58505-0480
web: www.psc.state.nd.us
e-mail: sab@psc.state.nd.us
TDD 800-366-6888
Fax 701-328-2410
Phone 701-328-2400

March 12, 2003

Kevin C Allen
Excel Telecommunications Inc
1600 Viceroy Dr
Dallas TX 75235

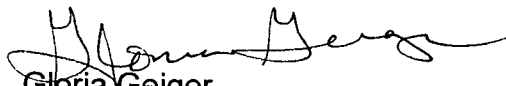
RE: Case No. PU-967-02-627
Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Enclosed is a copy of the statement approved at the March 12, 2003 Public Service Commission meeting for the expenses incurred to date in Case No. PU-967-02-627.

Under N.D.C.C. 49-21-01.7, these expenses are billed through the Valuation Fund and must be paid for by the telecommunications company involved.

Please make your check payable to the *Public Service Commission*.

Sincerely,


Gloria Geiger
Admin Staff Officer
701-328-2401

Enc.

Billing Statement

March 12, 2003

Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Case No. PU-967-02-627

Bill To:

Excel Telecommunications Inc.....\$179.61

Expenses Incurred to Date:

Advertising Costs \$179.61

Send Payment and a Copy of this Statement To:

Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480

Federal Tax ID 45-0309764

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

VarTec Telecom, Inc.
Toll Dialing Parity
Application

Case No. PU-2603-02-549

Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Case No. PU-967-02-627

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **16th day of January, 2003**, she deposited in the United States Mail, Bismarck, North Dakota **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

Order

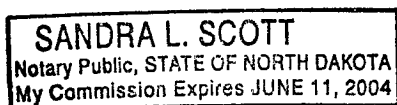
The envelopes were addressed as follows:

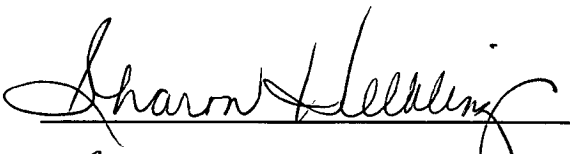
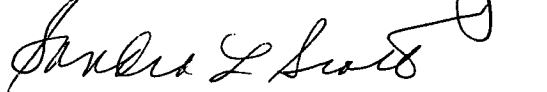
Kevin C Allen
VarTec Telecom Inc
Excel Telecommunications Inc
1600 Viceroy Dr
Dallas TX 75235
Cert. No. 7001 1940 0005 3425 2191

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **16th day of January, 2003**.

SEAL





Notary Public

9

PU-967-02-627

Pages: 1

Affidavit of Service

by Public Service Commission

01/16/2003

CC Comm Legal PUD (3)

MOTION

January 15, 2003

APPROVED

DATE: 1-15-03
KMF

**VarTec Telecom, Inc.
Toll Dialing Parity
Application**

Case No. PU-2603-02-549

**Excel Telecommunications, Inc.
Toll Dialing Parity
Application**

Case No. PU-967-02-627

I move the Commission adopt the Order approving Toll Dialing Parity plans in the above captioned toll dialing parity applications.

sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**VarTec Telecom, Inc.
Toll Dialing Parity
Application**

Case No. PU-2603-02-549

**Excel Telecommunications, Inc.
Toll Dialing Parity
Application**

Case No. PU-967-02-627

ORDER

January 15, 2003

Toll dialing parity (aka equal access or 1+ dialing) allows telephone subscribers to route intraLATA toll calls automatically, without the use of access codes, to any interexchange carrier of the subscriber's choice.

Under North Dakota Century Code § 49-21-08.1, every local exchange carrier is required to provide intraLATA dialing parity.

On October 18, 2002 VarTec Telecom, Inc. filed its plan for providing intraLATA and interLATA toll dialing parity. On November 27, 2002 VarTec Telecom, Inc. filed revisions to its toll dialing parity plan. On November 27, 2002 Excel Telecommunications, Inc. filed its toll dialing parity plan.

Toll dialing parity plans must be filed in accordance with 47 CFR §§ 51.209 – 51.215. In Case No. PU-2079-01-210 the Commission found that a toll dialing parity plan must:

1. include a full 2-PIC dialing parity offering;
2. identify the ND LATA(s) for which dialing parity will be provided;
3. include the provision and process for allowing a customer to subscribe to one interexchange carrier for intraLATA calling and to the same or another interexchange carrier for interLATA;
4. included the methods that will be used to enable subscribers to select interexchange carriers;
5. include the methods for interexchange carrier notification of the availability of 1+ and the process for participating in the 1+ offering;
6. include the process to be used by the customer for changing a PIC;

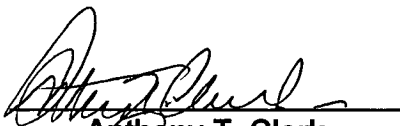
7. include the process used by the company to make PIC changes;
8. include the provision that PIC changes will be completed within 5 business days;
9. list the PIC change charge (maximum \$5);
10. include a LATA map with sufficient detail to locate LATA boundaries and an explanation of LATA calling areas and jurisdictions;
11. include a statement that customers that do not make carrier selection for intraLATA 1+ and interLATA 1+ calls will be advised that, until selection is made, toll calls dialed using 1+ area code prefixes will not be completed and they must dial toll calls utilizing access codes such as 101XXXX, 950, 800, etc.
12. include a statement that the company's business office practices, including the scripts the local exchange company uses with customers deciding on their options for carrier selection, will be competitively neutral;
13. include the provision that the company shall offer to read a randomly ordered list of interexchange carriers from which the customer may make a PIC choice; and
14. include a statement that public access lines are eligible for carrier selection in the same manner as interLATA carrier selection.

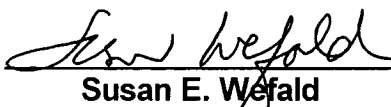
The Commission has reviewed the toll dialing parity plans that are subject of this proceeding and has determined that they comply with the requirements listed.

Order

The Commission orders that the captioned toll dialing parity plans are APPROVED.

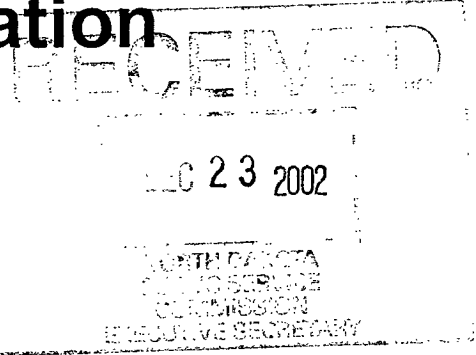
PUBLIC SERVICE COMMISSION


Anthony T. Clark
Commissioner


Susan E. Wefald
President


Leo M. Reinbold
Commissioner

Affidavit of Publication



State of North Dakota)
County of Burleigh)

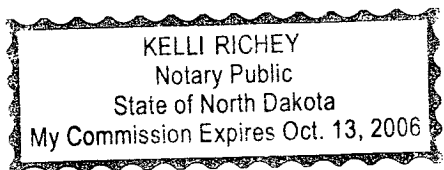
Laurie Thiel, being duly sworn, state as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.
2. The newspapers listed on the exhibits published the advertisement of:
Var Tec Telecom, 1 time(s)
as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Signed: [Signature]

Subscribed and sworn to before me this 20th day of December A.D. 2002.

[Signature]



7 **PU-2603-02-549** Pages: 1
Affidavit of Publication
by North Dakota Advertising Service, Inc.

✓ 6 **PU-967-02-627** Pages: 1
Affidavit of Publication
by North Dakota Advertising Service, Inc.
12/23/2002 CC: Comm Legal PUD (3)



North Dakota Newspaper Association

1435 Interstate Loop
Bismarck, ND 58503-0567
Ph (701) 223-6397 • Fax (701) 223-8185

INVOICE

12 23 2002

Order **17025-02123PP0**

Invoice # **9795**

December 20, 2002

Attn: **JONH. MIELKE**
PUBLIC SERVICE COMMISSION
600 E. BOULEVARD AVE.
STATE CAPITOL
BISMARCK, ND 58505
Voice: 328-4076

Advertiser: **Public Service Commission**

P.O.#:

Amount Due **\$359.22**

Amount Paid

Please detach and return this portion with your payment

Public Service Commission Invoice # 17025-02123PP0-9795

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
Bismarck Tribune (Bismarck ND)							
55.00	SPR2	0.64	35.20	0.00	VarTec Telecom		12/11/02
Devils Lake Daily Journal (Devils Lake ND)							
59.00	SPR2	0.63	37.17	0.00	VarTec Telecom		12/11/02
Dickinson Press (Dickinson ND)							
61.00	SPR2	0.57	34.77	0.00	VarTec Telecom		12/11/02
Fargo, The Forum (Fargo ND)							
54.00	SPR2	0.71	38.34	0.00	VarTec Telecom		12/16/02
Grand Forks Herald (Grand Forks ND)							
54.00	SPR2	0.69	37.26	0.00	VarTec Telecom		12/10/02
Jamestown Sun (Jamestown ND)							
63.00	SPR2	0.54	34.02	0.00	VarTec Telecom		12/11/02
Minot Daily News (Minot ND)							
65.00	SPR2	0.54	35.10	0.00	VarTec Telecom		12/11/02
Valley City Times-Record (Valley City ND)							
60.00	SPR3	0.61	36.60	0.00	VarTec Telecom		12/11/02
Wahpeton Daily News (Wahpeton ND)							
61.00	SPR2	0.57	34.77	0.00	VarTec Telecom		12/11/02
Williston Herald (Williston ND)							
59.00	SPR2	0.61	35.99	0.00	VarTec Telecom		12/11/02

Gross Advertising	359.22	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	359.22	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	359.22

7 **PU-2603-02-549**

Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/23/2002

CC: Comm Legal PUD (3)

6 **PU-967-02-627**

Pages: 1

Affidavit of Publication

by North Dakota Advertising Service, Inc.

12/23/2002

CC: Comm Legal PUD (3)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

VarTec Telecom, Inc.
Toll Dialing Parity
Application

Case No. PU-2603-02-549

Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Case No. PU-967-02-627

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **5th day of December, 2002**, she deposited in the United States Mail, Bismarck, North Dakota **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and each containing a photocopy of:

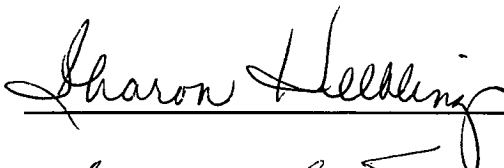
Notice of Opportunity for Hearing


The envelopes were addressed as follows:

Kevin C Allen
VarTec Telecom Inc
Excel Telecommunications Inc
1600 Viceroy Dr
Dallas TX 75235
Cert. No. 7001 1940 0005 3425 2146

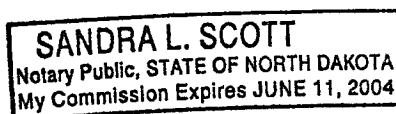
Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **5th day of December, 2002**.





Notary Public



SEAL

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

VarTec Telecom, Inc.
Toll Dialing Parity
Application

Case No. PU-2603-02-549

Excel Telecommunications, Inc.
Toll Dialing Parity
Application

Case No. PU-967-02-627

AFFIDAVIT OF SERVICE BY ORDINARY MAIL OR E-MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Sharon Helbling deposes and says that:

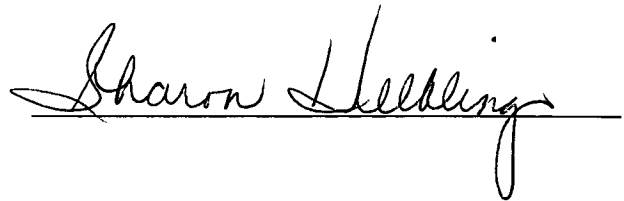
she is over the age of 18 years and not a party to this action and, on the **5th day of December, 2002**, she deposited in the United States Mail, Bismarck, North Dakota, envelopes by first class mail, fully prepaid, securely sealed, and/or e-mailed a copy of:

Notice of Opportunity for Hearing

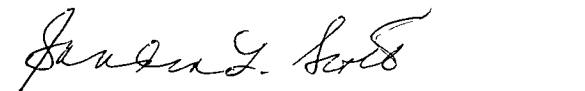
To:

See Attached List

Each address shown is the respective addressee's last reasonably ascertainable post office address.



Subscribed and sworn to before me
this **5th day of December, 2002**.



Notary Public

SEAL



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Marie Pierre-Paul

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William Brudvik

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Don Lee

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State Capitol
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K Vannin
U S Geological Survey

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Kim Weydahl
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Sharon Thomas
Talk America Inc
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Orlando FL 32826

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Lenora Hall
U S Geological Survey

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Hubbard OR 97032

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Farmington Hills MI 48334

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Eden Prairie MN 55344

Kimberly Nielsen
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Redmond WA 98052

John Broten
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1320 N Court House Rd 9th Fl
Arlington VA 22201

C12 Inc
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Atlanta GA 30339

Citizens Telecomm Co of Minnesota
3 High Ridge Park
Stamford CT 06905

Robert Fallan
Coast International
14303 W 95th St
Lenexa KS 66215-5210

Daniel L Barth
Comm South Companies Inc
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Dallas TX 75231-7204

Murray Barr
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Oak Park IL 60302-2106

Ann Faught
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Santa Rosa CA 95404-4920

Leeann Brunnette
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Clive IA 50325-0142

Jack Medaris
Atlas Communications LTD
P O Box 607
Conshohocken PA 19428-0607

Jennifer Whitley
Business Discount Plan Inc
1 World Trade Ctr Ste 800
Long Beach CA 90831-0800

Scott Geston
Cable One of Fargo
P O Box 10624
Fargo ND 58106-0624

Citizens Telecomm Co of ND
3 High Ridge Pk
Stamford CT 06905

Comcast Business Communications Inc
650 Centerton Rd
Moorestown NJ 08057

Molli Harper
Commnet Cellular Inc
8350 E Crescent Pkwy Ste 400
Englewood CO 80111

Computer Integrated Communications Inc
8502 Bells Mill Rd
Potomac MD 20854-4071

Consolidated Telcom
PO Box 1077
Dickinson ND 58601-1077

D D D Calling Inc
6300 Richmond Ave Ste 304
Houston TX 77057

Keith Larson
Dakota Central Telecom I
PO Box 299
Carrington ND 58421-0299

Dave Dircks
DCN LLC
P O Box 180
Devils Lake ND 58301-0180

Dickey Rural Services Inc
P O Box 69
Ellendale ND 58436

DSLnet Communications LLC
545 Long Wharf Dr
New Haven CT 06511

Regulatory Dept
Essential.com Inc
5 Bragdon Ln Ste 200
Kennebunk Me 04043

Evercom Systems Inc
8201 Tristar Dr
Irving TX 75063-2824

Lawrence Freedman
Fleischman & Walsh
1400 16th ST NW
Washington DC 20036

Global Tel*Link Corporation
2609 Cameron St
Mobile AL 36607-3104

Contact Communications
937 W Main St
Riverton WY 82501

Keith Larson
Dakota Central Tele Coop
PO Box 299
Carrington ND 58421-0299

Robert Hill
Daktel Communications LLC
P O Box 299
Carrington ND 58421-0299

Dickey Rural Communications Inc
PO Box 69
Ellendale ND 58436-0069

DIECA Communications Inc
3420 Central Expy
Santa Clara CA 95051-0703

Easton Telecom Services Inc
3046 Brecksville Rd #A
Richfield OH 44286-9399

Maria Abbagnaro
Essex Communications Inc
543 Main St
New Rochelle NY 10801-7214

Dave Waters
Fairpoint Communications Solutions
521 E Morehead St Ste 250
Charlotte NC 28202-2695

Ronald Rodemerk
Frontier Comm International
180 S Clinton Ave
Rochester NY 14646-0500

Lucille Nilson
Griggs County Telephone Company
Cooperstown ND 58425

Group Long Distance Inc
9500 Toledo Way
Irvine CA 92618-1806

HJN Telecom Inc
3235 Satellite Blvd Bldg 400 Ste 300
Duluth GA 30096

Houlton Enterprises Inc
2201 W Bdwy Ste 1
Council Bluffs IA 51501

HTC Services Inc
P O Box 55
Halstad MN 56548

Julia Waysdorf
ICG Telecom Group Inc
161 Inverness Dr W
Englewood CO 80112

IdeaOne Telecom Group LLC
3239 39th St SW
Fargo ND 58104

Ken Hanks
International Telcom Ltd
417 2nd Ave W
Seattle WA 98119

Intrado Communications Inc
6285 Lookout Rd
Boulder CO 80301

David A. Huberman
Intrado Communications Inc
6285 Lookout Rd
Boulder CO 80301

Russell Merbeth
Ionex Communications North Inc
15305 Dallas Pkwy Ste 1500
Addison TX 75001-6768

IPVoice Communications Inc
14860 Montfort Dr Ste 210
Dallas TX 75254-6772

Nanette Edwards
ITC DELTACOM INC
4092 Memorial Pkwy SW
Huntsville AL 35802-1382

Larry Barnes
IXC/SSC-Regulatory Affairs
1122 S Capital of TX Hwy
Austin TX 78746-6426

James Valley Coop Telephone Co
P O Box 69
Ellendale ND 58436-0069

Katherine E Ford
U S WEST
1801 California St Ste 5100
Denver CO 80202

KMAV AM/FM RADIO
PO Box 216
Mayville ND 58257-0216

KMC Telecom V Inc
1545 Rt 206
Bedminster NJ 07921

Myer Shark
Knollwood Place Apts #221
3630 Phillips Pkwy
St Louis Park MN 55426

Thomas K Crowe
Law Offices of Thomas K Crowe PC
2300 M St NW Ste 800
Washington DC 20037

Level 3 Communications LLC
3555 Farnam St
Omaha NE 68131

Local Telcom Holdings LLC
485 Madison Ave 15th Fl
New York NY 10022-5803

Steven Katka
Loretel Systems Inc
13 E 4th Ave
Ada MN 56510

Marilyn Foss
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

MCImetro Access Transmission Services
707 17th ST Ste 3600
Denver CO 80202

Midcontinent Communications
410 South Phillips Ave
Sioux Falls SD 57104

Gordon Wilhelmi
Midstate Communications Inc
PO Box 400
Stanley ND 58784-0400

Minnesota Independent Equal Access
Corp
10300 6th Avenue N
Plymouth MN 55441

Dave Crothers
NDATC
Box 1144
Mandan ND 58554-1144

New Edge Network Inc
3000 Columbia House Blvd Ste 106
Vancouver WA 98661

Dave Dircks
North Dakota Long Distance Inc
P O Box 180
Devils Lake ND 58301-0180

Jan Lowe
Long Dist Consolidated Billing Co
145 S Livernois Rd #199
Rochester MI 48307-1837

Jim Marchant
Maxcess Inc
P O Box 951419
Lake Mary FL 32795-1419

Michel Murray
MCI WorldCom Inc
707 17th St Ste 3600
Denver CO 80202

McKenzie Consolidated Telecom LLC
P O Box 1140
Watford City ND 58854-1140

Mid-Rivers Telephone Coop Inc
P O Box 280
Circle MT 59215

Mark Wilhelmi
Midstate Telephone Co
PO Box 400
Stanley ND 58784-0400

Mike Strand
MITS
PO Box 5237
Helena MT 59604-5237

Richard Thronson
Nemont Telephone Cooperative Inc
Scobey MT 59263

Nextel West Corp
2001 Edmund Halley Dr
Reston VA 20191-3436

Dave Dircks
North Dakota Telephone Company
PO Box 180
Devils Lake ND 58301-0180

NOW Communications Inc
711 S Tejon St Ste 201
Colorado Springs CO 80903

Jeff Walker
Preferred Carrier Services Inc
14681 Midway Rd Ste 105
Dallas TX 75001

Primus Telecommunications Inc
1700 Old Meadow Rd 3rd Fl
McLean VA 22102

QuantumShift Communications Inc
101 Rowland Way Ste 300
Novato CA 94945

Charles Steese
Qwest Corporation
1801 California St Ste 5100
Denver CO 80202

Dean Polkow
RCC Network Inc
PO Box 2000
Alexandria MN 56308-2000

Sandra Adams
NewPath Holdings Inc
4364 114th St
Des Moines IA 50322

Lisa Dabkowski
SNET America Inc
310 Orange St
North Haven CT 06510-1719

SRT Communications Inc
P O Box 789
Minot ND 58702-0789

Harris Saele
T P C Inc
PO Box 180
Devils Lake ND 58301-0180

Holly Sasscer
Operator Communications Inc
3530 Forest Ln Ste 200
Dallas TX 75234-7910

Premiere Network Services Inc
1510 N Hampton Rd Ste 120
DeSoto TX 75115

Scott Lee
Protel Advantage Inc
3145 Hafner Ct
Shoreview MN 55126-3802

Heather Troxell
Qwest Communications Corporation
4250 Fairfax Dr
Arlington VA 22203

Qwest Interprise America Inc
1801 California St 49th Fl
Denver CO 80202

Kimberly Nielson
RTC-1
Legal & External Affairs
7277 164th Ave NE
Redmond WA 98052

ServiSense.com Inc
115 Shawmut Rd
Canton MA 02021-1438

Andrew Jones
Sprint
6391 Sprint Pkwy
Overland Park KS 66251-6100

Randy Burckhard
SRT Communications Inc
P O Box 789
Minot ND 58702-0789

Jack Medaris
Telco Partners Inc
P O Box 607
Conshohocken PA 19428-0607

Al Bosch
Tele-Beep Company
PO Box 7072
Bismarck ND 58502-7072

Tele-Tech Inc
2900 W 11th St
Sioux Falls SD 57104-3660

T-Netix Inc
P O Box 701028
Dallas TX 75370-1028

Kenneth Carlson
Turtle Mountain Communications
PO Box 729
Langdon ND 58249-0729

United Communications HUB Inc
225 S Lake Ave Ste 705
Pasadena CA 91106

Kenneth Carlson
United Telephone Mut Aid Corp
Langdon ND 58249

Dennis Houston
Universal Network Services of ND
1572 North Batavia St Ste 1A
Orange CA 92867

VarTec Telecom Inc
1600 Viceroy Dr
Dallas TX 75235

Brad Van Leur
VP Telecom Inc
1701 N Louise ave
Sioux Falls SD 57107

Darrell Henderson
West River Cooperative Telephone
Company
PO Box 39
Bison SD 57620-0039

Telera Communications Inc
910 E Hamilton Ave Ste 200
Campbell CA 95008

Jonathan Marashlian
The Helein Law Group P C
8180 Greensboro Dr Ste 700
McLean VA 22102

Touch America Inc
40 E Bdwy
Butte MT 59701

Renata Dias
UKI Communications Inc
701 SW 27th Ave Ste 701
Miami FL 33135

Sam Billingsley
United States Advanced Network Inc
3080 Northwoods Cir
Norcross GA 30071-1562

Christina Tygielski
Universal Access Inc
Sears Tower 233 S Wacker Dr Ste 600
Chicago IL 60606-6307

Val-Ed Joint Venture LLP
150 2nd St SW
Perham MN 56573

Randy Houdek
Venture Communications Inc
PO Box 157
Highmore SD 57345-0157

West River Coop Telephone Co
P O Box 39
Bison SD 57620-0039

Doris Cooper
West River Long Distance Co
PO Box 467
Hazen ND 58545-0467

Mick Grosz
West River Telecomm Coop
PO Box 467
Hazen ND 58545-0467

Western CLEC Corporation
3650 131st Ave SE #400
Bellevue WA 98006

Carolyn Fodor
Winstar
100 Galleria Bldg #212
Southfield MI 48034

WTC Competitive Services Inc
P O Box 129
Wolverton MN 56594

Z-Tel Communications Inc
601 S Harbour Island Blvd Ste 220
Tampa FL 33602-5925

Helbling, Sharon D.

From: Helbling, Sharon D.
Sent: Thursday, December 05, 2002 8:13 AM
To: ndna (E-mail)
Subject: Attached Notice of Opportunity for Hearing

**Colleen Park
North Dakota Newspaper Association**

Colleen:

Please have the attached Notice of Opportunity for Hearing published as a legal publication in the next issue of the ten North Dakota daily newspapers, and run it as a "News Item Only" article as well.

Bill the Public Service Commission directly along with a tear sheet for billing purposes.

If you have any questions, please call me at 701-328-4076.

Thank you.

**Sharon Helbling
Public Utilities Division**

4 **PU-967-02-627** Pages: 1

Notice e-mailed to NDNA requesting
publication
by Public Service Commission

12/05/2002

CC: Comm Legal PUD (3)

12/5/2002

APPROVED

DATE: 12-4-02
KMF

MOTION

December 4, 2002

**VarTec Telecom, Inc.
Toll Dialing Parity
Application**

Case No. PU-2603-02-549

**Excel Telecommunications, Inc.
Toll Dialing Parity
Application**

Case No. PU-967-02-627

I move the Commission issue a Notice of Opportunity for Hearing in the above captioned toll dialing parity applications.

sdh

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**VarTec Telecom, Inc.
Toll Dialing Parity
Application**

Case No. PU-2603-02-549

**Excel Telecommunications, Inc.
Toll Dialing Parity
Application**

Case No. PU-967-02-627

NOTICE OF OPPORTUNITY FOR HEARING

December 4, 2002

Toll dialing parity (aka equal access or 1+ dialing) allows telephone subscribers to route intraLATA toll calls automatically, without the use of access codes, to any interexchange carrier of the subscriber's choice.

Under North Dakota Century Code § 49-21-08.1, every local exchange carrier is required to provide intraLATA dialing parity.

On October 18, 2002 VarTec Telecom, Inc. filed its plan for providing intraLATA and interLATA toll dialing parity. On November 27, 2002 VarTec Telecom, Inc. filed revisions to its toll dialing parity plan. On November 27, 2002 Excel Telecommunications, Inc. filed its toll dialing parity plan.

Toll dialing parity plans must be filed in accordance with 47 CFR §§ 51.209 – 51.215. In addition, the company's toll dialing parity plan should incorporate provisions adopted in the Commission's November 6, 2002 order in Case No. PU-2079-01-210.

Those interested are invited to comment on the dialing parity plans in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearing must be received by **January 6, 2003**. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify Jon Mielke, Executive Secretary.

PUBLIC SERVICE COMMISSION



**Anthony T. Clark
Commissioner**



**Susan E. Wefald
President**



Leo M. Reinbold

2

PU-967-02-627

Pages: 1

Notice of Opportunity for Hearing

by Public Service Commission

12/04/2002

CC: Comm Legal PUD (3)



November 26, 2002

VIA OVERNIGHT DELIVERY

Jon H. Mielke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Ave. Department 408
Bismark, North Dakota 58505-0480



Re: Toll Dialing Parity Plan
Excel Telecommunications, Inc.

Dear Executive Secretary Mielke:

Pursuant to 47 CFR §§ 51.209-51.215 and the Commission's orders in Case No. PU-419-99-207, Excel Telecommunications, Inc. ("Excel") hereby submits an original and (7) seven copies of its IntraLATA Toll Dialing Parity Plan. Excel respectfully requests that the Commission accept this correspondence as the Company's application for approval of said plan.

Excel is a corporation duly organized and existing under the laws of the State of Texas. The Commission approved Excel's application to provide facilities-based local exchange telecommunications services in Case No. PU-967-02-61 (Certificate Nos. 4805 -4830). Any notices or correspondence regarding this matter may be addressed to the attention of the undersigned at the Company's principal address at 1600 Viceroy Drive, Dallas, Texas 75235.

To verify receipt of this mailing, please date and file stamp copy of this correspondence (attached) and return it in the self-addressed postage prepaid envelope provided. Should you have any questions, or require additional information, please feel free to contact me directly at (214) 424-1513. Thank you for your time and consideration regarding this matter.

Respectfully submitted,

Kevin C. Allen
Manager, Local Licensing
and Public Policy

Enclosures

cc: Joel Ballew
Director
Licensing and Public Policy

Excel Telecommunications, Inc.

1600 Viceroy Drive

Dallas, Texas 75235

1 **PU-967-02-627** Pages: 7
Toll Dialing Parity application
by Excel Telecommunications, Inc.
11/27/2002 CC: Comm Legal PUD (3)

**EXCEL TELECOMMUNICATIONS, INC.
NORTH DAKOTA INTRALATA DIALING PARITY PLAN**

I. OBJECTIVE / PURPOSE

Pursuant to the Section 251(b) of the Telecommunications Act of 1996, Excel Telecommunications, Inc. ("Excel") hereby files the following plan for the implementation of toll dialing parity ("the Plan"). This plan sets forth Excel's proposal for providing intraLATA and interLATA toll dialing parity within the State of North Dakota for customers subscribing to Excel's local exchange service. Excel intends to implement this plan throughout its approved service area in the state in the Brainerd-Fargo LATA (636) and the Bismark LATA (638). A map illustrating the LATA boundaries is included as Attachment "A".

The intent of the Plan is to permit Customers to route intraLATA and interLATA toll calls automatically, without the use of access codes, to any interexchange carrier ("IXC") of the Customer's choice that has established itself as an access Customer under Excel's Access Service Tariff. Public access lines (e.g., public and semi-public telephone service) will also be eligible for toll dialing parity at such time that the Company offers said services.

II. IMPLEMENTATION SCHEDULE

Excel, having obtained certification from the State of North Dakota, proposes to begin providing local exchange service in various North Dakota markets. Excel will notify various IXCs regarding Excel's plan when it is ready to launch local service in North Dakota. In addition, Excel has developed an information package to send to each inquiring IXC, after notification, which explains how access service can be obtained.

III. CARRIER SELECTION PROCEDURES

Excel will allow customers the opportunity to designate a presubscribed carrier for intraLATA and interLATA toll traffic whereby toll calls will automatically be directed to the designated carrier without additional action on the part of the customer

(e.g., access code dialing). In addition, customers will be able to utilize toll carriers on a call-by-call basis by dialing access codes.

Excel does not intend to own facilities in the State of North Dakota to provide local exchange telecommunications services. Rather, Excel intends to provide local exchange service using either unbundled local switching or local service resale. As such, intraLATA and interLATA toll dialing parity will be available in exchanges wherein multiple-Primary Interexchange Carrier ("PIC") technology is implemented by the underlying service provider. Excel will utilize multiple-PIC technology (full 2-PIC dialing parity) to allow customers to presubscribe to the same or a different participating telecommunications carrier for intraLATA and interLATA toll services. Excel will use industry standard procedures such as Customer Account Record Exchange ("CARE") to process the customer's carrier selection, and PIC changes will be processed within five business days.

IV. NEW CUSTOMERS

Based on Excel's current business plan for its local exchange service offerings, the Company anticipates that the vast majority of Excel's local exchange customers will have also selected Excel as the primary interexchange carrier for intraLATA and interLATA toll services. Customers who wish to select an interexchange service provider other than Excel should contact Excel's Customer Care Center to request said carrier. Excel's Customer Care representatives will process customer-initiated PIC selections as designated by the customer for any participating carrier. Customers who contact Excel requesting new telephone exchange service will be informed of the opportunity to choose an intraLATA and interLATA PIC. If requested by the Customer, Excel will provide a list of participating telecommunication carriers, including Excel, that are access Customers and are maintaining a relationship with Excel pursuant to the provisions of the Company's Access Services Tariff. The list of intraLATA and interLATA toll carriers will be presented in a competitively neutral manner to new Customers who do not make a positive choice for an intraLATA and/or an interLATA carrier.

Until a new customer or a customer ordering a new line makes a selection, the customers will be assigned a “no-PIC” and will have to dial an access code to make intraLATA and/or interLATA calls. New customers will have 30 days from the date they order local exchange service to make their free selection. No charge applies to PIC selections made within this time limit. After the time limit expires, the tariffed rate for PIC changes will apply.

V. EXISTING CUSTOMERS

As indicated above, Excel is a new local exchange carrier in North Dakota and, thus, has no existing Customer base. Excel proposes to provide intraLATA and interLATA equal access as a feature of the Company’s North Dakota local exchange service upon launch of that service. Therefore, no notification to existing Customers is required.

Once Excel acquires customers in North Dakota, existing customers who wish to select an interexchange service should contact Excel’s Customer Care Center to request said carrier as described above. Excel’s Customer Care representatives will process customer-initiated PIC selections as designated by the customer for any participating carrier. If requested by the Customer, Excel will provide a list of participating telecommunication carriers, including Excel, that are access Customers and are maintaining a relationship with Excel pursuant to the provisions of the Company’s Access Services Tariff. The list of intraLATA and interLATA toll carriers will be presented in a competitively neutral manner to new Customers who do not make a positive choice for an intraLATA and/or an interLATA carrier. Excel may charge a PIC Change Charge of no more than \$5.00 for each change in the customer’s interLATA or intraLATA presubscribed carrier. The PIC Change Charge will be set forth in the Company’s tariffs on file with the Commission.

VI. CARRIER NOTIFICATION

Interexchange carriers that desire to become originating access Customers shall notify Excel of their desire to obtain Exchange Access Service information via letter or

telephone call, by completing an Access Service Request (“ASR”) form or at the direction of the end-user Customer. Excel will send each requesting carrier an information package describing Excel’s service, processes and applicable tariffs. A list of participating carriers will be made upon request.

VII. PIC FREEZES

PIC freezes may be provided at any time upon the customer’s request. PIC freezes may be removed with the use of a three-way call between the customer, the Company and the carrier. Carriers must still follow Federal Communication Commission and North Dakota Public Service Commission procedures for PIC changes (e.g., independent third party verification, written letter of agency, or electronic authorization). Excel will provide nondiscriminatory access for its customers, including resellers, to telephone numbers, operator services, directory assistance and directory listings, when applicable. Excel will comply with all rules of the Commission and the Federal Communication Commission in implementing this Plan.

VIII. OTHER REQUIREMENTS

The Company will not attempt to dissuade customers from presubscribing to another carrier’s intraLATA and/or interLATA toll service at the time when a customer calls to request that presubscribed intraLATA and/or interLATA service be switched to a new carrier.

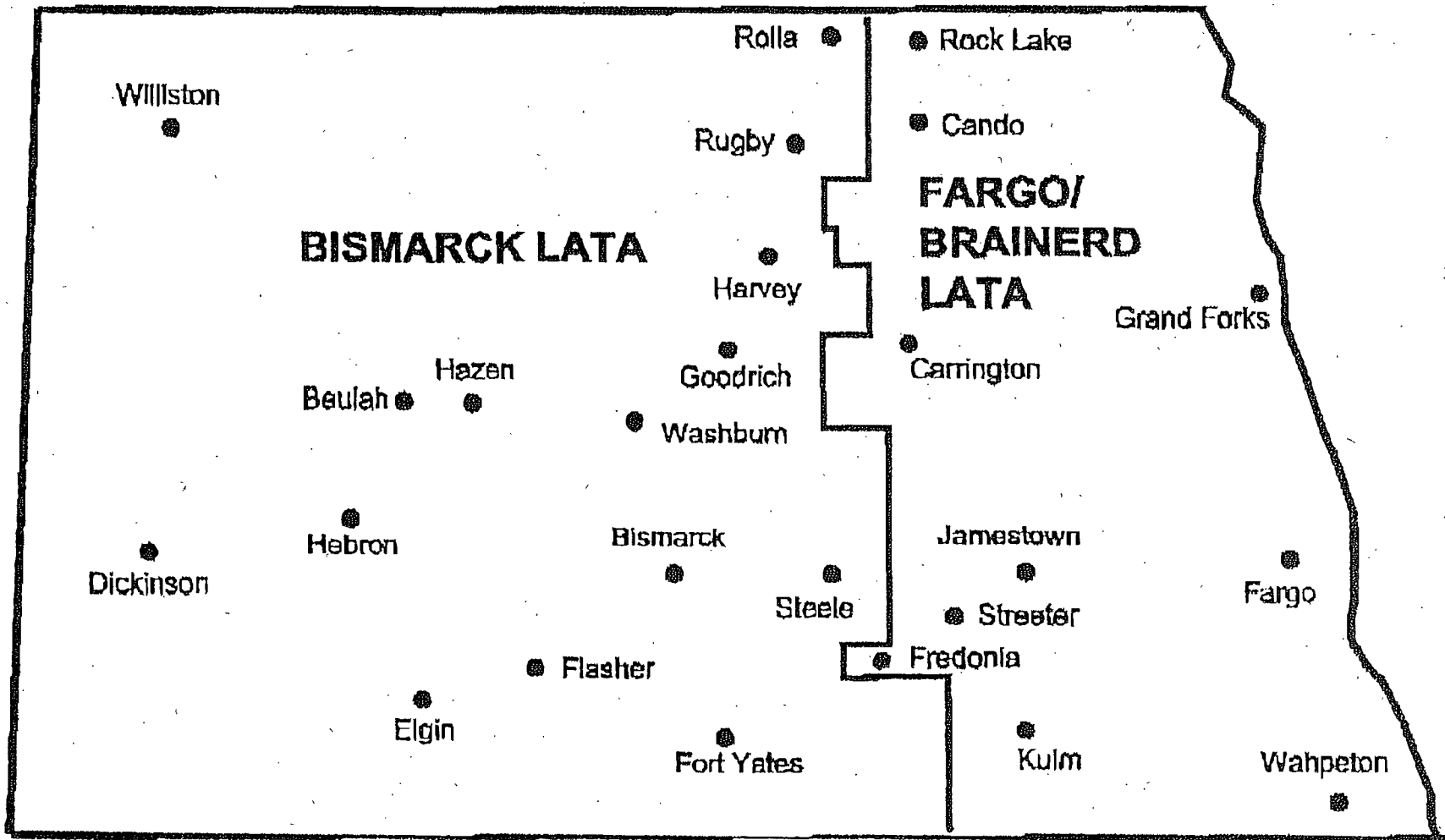
Commission authorization as a certified intraLATA and/or interLATA toll provider is required for a carrier to be placed on an alphabetical list of carriers willing to accept one-plus intraLATA and/or interLATA toll traffic within a particular area.

The Company will report any inappropriate business practices relating to intraLATA and/or interLATA presubscription to the North Dakota Public Service Commission.

A toll-free number will be made available to customers to contact the Company for a list of available intraLATA and/or interLATA toll providers. The Company will

implement this plan no later than thirty (30) days after approval by the North Dakota Public Service Commission.

Attachment "A"
Excel Telecommunications, Inc.
North Dakota IntraLATA Dialing Parity Plan



PN-2603-02-549; DU-967-02-627


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Kevin C Allen
 Var Lee Telecomm Inc
 Excel Telecommunications Inc
 1600 Victory Dr
 Dallas TX 75235

2. Article Number
 (Transfer from service label) **7001 1940 0005 3425 2146**

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee

B. Received by (Printed Name) **KEVIN ALLEN** C. Date of Delivery **12/10/02**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035
 75235+2306

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1035

2. Article Number
 (Transfer from service label) **7001 1940 0005 3425 2146**

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No
 If YES, enter delivery address below:

D. Is delivery address different from item 1? Yes No
 B. Received by (Printed Name) **KEVIN ALLEN** C. Date of Delivery **12/10/02**

COMPLETE THIS SECTION ON DELIVERY

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 Kevin C Allen
 Var Lee Telecomm Inc
 Excel Telecommunications Inc
 1600 Victory Dr
 Dallas TX 75235

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PN-2603-02-549; DU-967-02-627