

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 1999-172-C - ORDER NO. 1999-530

AUGUST 2, 1999

IN RE: Application of CCCSC, Inc. d/b/a Total) ORDER ✓ MR
Connect! for a Certificate of Public) GRANTING
Convenience and Necessity to Provide) APPLICATION
Facilities-Based and Resold Local Exchange)
Services within the State of South Carolina.)

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of the Application of CCCSC, Inc. d/b/a/ Total Connect! (“Total Connect!” or the “Company”) requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold and facilities-based local exchange telecommunications services within the State of South Carolina. The Application was filed pursuant to S.C. Code Ann. § 58-9-280 and the Regulations of the Commission.

By letter, the Commission’s Executive Director instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. Total Connect! complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from the South Carolina Telephone Coalition (“SCTC”). On July 8, 1999, Counsel for SCTC filed with the Commission a Stipulation

in which Total Connect! stipulated that it would seek authority only in non-rural local exchange (“LEC”) service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent’s service area, unless and until the Company provided written notice of its intent prior to the date of the intended service. Total Connect! also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Total Connect! agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on July 15, 1999, at 10:30 a.m., in the Commission’s Hearing Room. The Honorable William Saunders, Vice Chairman, presided. Total Connect! was represented by Faye Flowers, Esquire. Jocelyn D. Green, Staff Counsel, represented the Commission Staff.

Cindy Lee, Manager of Regulatory Affairs of Total Connect!, appeared and testified in support of Total Connect!’s application. The record reveals that Total Connect! is a corporation organized under the laws of the State of South Carolina. According to Ms. Lee, the Company is currently certified to provide telecommunications services in fourteen states and is operating in two states. The Company plans to offer a full range of resold and facilities-based local exchange services. Total Connect! does

have plans to offer long distance services in the future. Ms. Lee stated the Company plans to provide its services to residential and business customers. The Company will rely on the financial resources of its sister company Connect! Communications Corporation to provide initial capital investment and funding for its South Carolina operations.

In addition, Ms. Lee testified Total Connect! will use direct marketing methods by utilizing its in-house sales team to market its services. Her testimony also reveals Total Connect! possesses the managerial and technical ability to provide telecommunications services within the State of South Carolina. Furthermore, Ms. Lee testified the Company will outsource its billing services.

Ms. Lee's testimony also reveals Total Connect! is seeking waivers of the following Commission requirements: (1) Rule 103-631 to publish and distribute local exchange directories; (2) Rule 103-610 to maintain its records within the State of South Carolina; (3) to maintain its books and records in conformance with Generally Accepted Accounting Principals instead of the Uniform System of Accounts; and (4) to comply with reporting requirements that are not applicable to competitive providers. Ms. Lee also testified Total Connect! has never been the subject of any state or federal regulatory authority nor has the Company been fined by any state or federal regulatory body. In addition, Ms. Lee's testimony indicates the Company will operate in accordance with Commission rules, regulations, guidelines, and Commission Orders. Finally, the record reveals approval of Total Connect!'s application will expand the availability of alternative sources of local services in the State; increase the incentives for the incumbent

local exchange carriers to reduce their prices, offer more innovative services, and improve their quality of service; and provide alternative sources of local services in the State.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Commission finds Total Connect! is organized as a corporation under the laws of the State of South Carolina and is authorized to do business as a corporation in the State of South Carolina by the Secretary of State.
2. The Commission finds Total Connect! has the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280 (B)(1) (Supp. 1998).
3. The Commission finds Total Connect! will provide services which will meet the service standards of the Commission. S.C. Code Ann. § 58-9-280(B) (Supp. 1998).
4. The Commission finds that Total Connect!'s "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. § 58-9-280(B)(3) (Supp. 1998).
5. The Commission finds that Total Connect! will support universally available telephone service at affordable rates. S.C. Code Ann. § 58-9-280 (B)(4) (Supp. 1998).

6. The Commission finds that the provision of local exchange service by Total Connect! “does not otherwise adversely impact the public interest.” S.C. Code Ann. § 58-9-280 (B)(5) (Supp. 1998).

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Total Connect! to provide competitive intrastate local exchange services in the non-rural local exchange areas of South Carolina. The terms of the Stipulation between Total Connect! and SCTC are approved, and adopted as a portion of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation

2. Total Connect! shall file, prior to offering local exchange services in South Carolina, its final tariff of its local service offerings conforming to all matters discussed with Staff and comporting with South Carolina law in all matters.

3. Total Connect! shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relation (complaint) matters, engineering operations, and tests and repairs. In addition, Total Connect! shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Total Connect! shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, Total

Connect! shall promptly notify the Commission in writing if the representatives are replaced.

4. Total Connect! is directed to comply with all Commission regulations unless expressly waived by the Commission.

5. Total Connect! shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

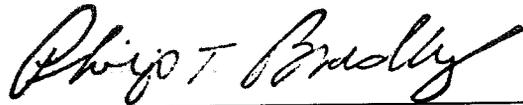
6. By its Application, Total Connect! requested waivers from Commission requirements (1) of publishing a directory, (2) of maintaining records required under the Commission Rules be kept within the State, (3) of maintaining its books and records in conformance with the Uniform System of Accounts. The Commission grants waivers for these three areas. Total Connect! also requested a waiver of certain reporting requirements not applicable to competitive carriers. The Commission denies the Company's request of waiver of reporting requirements that are required of incumbent LECs. Total Connect! is directed to comply with all regulations with all Commission regulations unless expressly waived by the Commission.

7. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of

South Carolina, the Commission hereby instructs Total Connect! to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association (“SC NENA”) with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this order and prior to providing services within South Carolina, Total Connect!, shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company’s operations as required by the 911 system.

8. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)

DOCKET NO. 1999-172-C - ORDER NO. 1999-530
AUGUST 2, 1999
ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY
REPRESENTATIVES FOR INTEREXCHANGE, LOCAL
AND AOS COMPANIES**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION
REGULATION 103-612.2.4(b), each utility shall file and maintain with the Commission
the name, title, address, and telephone number of the persons who should be contacted in
connection with Customer Relations/Complaints.

Company Name/DBA Name

Business Address

City, State, Zip Code

Authorized Utility Representative (Please Print or Type)

Telephone Number

Fax Number

E-Mail Address

This form was completed by Signature

If you have any questions, contact the Consumer Services Department at 803-896-5230

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 1999-172-C

Re: Application of CCCSC, Inc. d/b/a TOTAL CONNECT!)
for a Certificate of Public Convenience and Necessity)
to Provide Resold and Facilities-Based Local Exchange)
Telecommunications Services in the State of South Carolina)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and CCCSC, Inc. d/b/a TOTAL CONNECT! ("TOTAL CONNECT!") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, the necessity for SCTC's intervention in this matter is avoided and SCTC withdraws its opposition to TOTAL CONNECT!'s Application. SCTC and TOTAL CONNECT! stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to TOTAL CONNECT!, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. TOTAL CONNECT! stipulates and agrees that any Certificate which may be granted will authorize TOTAL CONNECT! to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. TOTAL CONNECT! stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

4. TOTAL CONNECT! stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until TOTAL CONNECT! provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, TOTAL CONNECT! acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. TOTAL CONNECT! stipulates and agrees that if, after TOTAL CONNECT! gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law, or the Commission institutes a proceeding of its own, then TOTAL CONNECT! will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. TOTAL CONNECT! acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the

conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. TOTAL CONNECT! agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

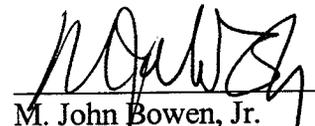
9. TOTAL CONNECT! hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 8th day of July, 1999.

CCCSC, Inc. d/b/a TOTAL
CONNECT!



South Carolina Telephone Coalition:



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Margaret M. Fox
McNair Law Firm, P.A.
Post Office Box 11390
(803) 799-9800

Attorneys for the South Carolina
Telephone Coalition

ATTACHMENT A
South Carolina Telephone Coalition Member Companies
for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Bluffton Telephone Company, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Hargray Telephone Company, Inc.
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

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to Provide Resold and Facilities-Based Local Exchange)
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_____)

CERTIFICATE OF SERVICE

I, Mia DuRant Briggs, do hereby certify that this day I caused to have served the foregoing Stipulation to the below named party of record, by having same delivered as indicated, this 8th day of July, 1999, and addressed as follows:

U.S. MAIL - FIRST CLASS POSTAGE AFFIXED:

Kathy L. Cooper, Esquire
Christopher R. Day, Esquire
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116



Mia DuRant Briggs

Columbia, South Carolina