

Resolution Opposing the Petition of ACRS

WHEREAS, *The Associated Communications & Research Services, Inc. (ACRS) filed a request with the Federal Communications Commission that interactive education video services be classified as enhanced services under Section 64.702 (a) of the FCC rules; and*

WHEREAS, *The FCC put the petition out for comments in file number AAD 90-16 and comments were due May 25, 1990 and replies June 11, 1990; and*

WHEREAS, *Ten parties filed comments, and two supported the petition; and*

WHEREAS, *The petition states that ACRS provides engineering and consulting services to small independent telephone companies in Oklahoma that are considering the development of an interactive switched educational video network; and*

WHEREAS, *The petition requests that the FCC define these services as enhanced services, so that such services will not be jurisdictionally separated, effectively preempted by the FCC for cost recovery through the normal regulatory means and essentially deregulated; and*

WHEREAS, *The U.S. Court of Appeals for the 9th Circuit recently ruled on the FCC orders in the case, commonly referred to as Computer III, that will have ramifications on the FCC's ability to deregulate such services; and*

WHEREAS, *The proposal by ACRS to assign transmission costs to the non-regulated operations directly without jurisdictional allocations is in direct violation of the Communications Act and section 410(c) that requires a Federal/State Joint Board for all such jurisdictional cost allocations procedures; now, therefore, be it*

RESOLVED, *That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), assembled at its 1990 Summer Committee Meeting in Los Angeles, California, opposes the petition by ACRS; and be it further*

RESOLVED, *That the FCC should deny the petition by ACRS; and be it further*

RESOLVED, *That the NARUC General Counsel petition the FCC for referral to the Joint Board, by order of the FCC, to request that the Joint Board develop procedures for the jurisdictional allocation of appropriate broadband switching and transport services.*

*Sponsored by the Committee on Communications
Adopted July 25, 1990*