

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of ) DOCKET NO. 961339-TL  
Rule 25-4.115, F.A.C., by GTE ) ORDER NO. PSC-97-0232-FOF-TL  
Florida Incorporated. ) ISSUED: February 26, 1997  
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The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING WAIVER PETITION

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On November 8, 1996, GTE Florida Incorporated (GTEFL), pursuant to Rule 25-22.020, Florida Administrative Code, filed a petition (petition) for waiver of Rule 25-4.115, Florida Administrative Code, pursuant to Rule 25-4.002(3), Florida Administrative Code. On January 8, 1997, Notice of the Waiver Petition was sent to the Secretary of State for publication in the Florida Administrative Weekly. The comment period ended February 17, 1997, and no comments were received. The statutory deadline for a our decision on the petition was February 6, 1997. We voted to grant the petition at the February 4, 1997, Agenda Conference within the statutory deadline.

Rule 25-4.115 states:

... calls within a local calling area or within a customer's [home Numbering Plan Area (NPA)] shall be at rates prescribed in the General Service Tariff of the local exchange company originating the call. ... intrastate calls to directory assistance

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outside of the caller's [home NPA] shall be at rates prescribed in the General Service Tariff of the interexchange companies.

GTEFL requests waiver of this rule to allow GTEFL to route to itself and charge its tariffed rate for directory assistance calls from a caller's home NPA to a foreign NPA where both NPAs are in the same Local Access and Transport Area (LATA).

In its petition, GTEFL states that NPAs have proliferated so that there are now ten NPAs instead of three. As a result, applying Rule 25-4.115 could, for example, cause a directory assistance caller from Tampa seeking a number in Lakeland to be routed to an interexchange carrier and charged an interexchange carrier's rate, even though both NPAs (813 and 941) are located within the same LATA. Formerly, this would not have occurred since there were no LATAs that contained more than one NPA.

We concur in GTEFL's premise that interexchange carrier routing of directory assistance calls within the same LATA is not a result intended by Rule 25-4.115. Until we amend Rule 25-4.115, a waiver of this rule for GTEFL is appropriate. Therefore, we grant GTEFL's petition for waiver of Rule 25-4.115, Florida Administrative Code.

This order shall become final, unless a person whose substantial interests are affected files a protest within 21 days of the issuance date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated's petition for waiver of Rule 25-4.115, Florida Administrative Code, is hereby granted as set forth in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th  
day of February, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 19, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.