

ORDER NO. PSC-93-1620-FOF-TL
DOCKETS NOS. 920962-TL, 910049-TL, 920913-TL
PAGE 2

PATRICK K. WIGGINS, Esquire, Wiggins & Villacorta, Post Office Drawer 1657, Tallahassee, Florida 32302
On behalf of CAPE PUBLICATIONS, INC., NEWS AND SUN-SENTINEL COMPANY, PALM BEACH NEWSPAPER, INC., AND TIMES PUBLISHING COMPANY

PETER M. DUNBAR, Esquire and DAVID L. SWAFFORD, Class B Practitioner Pennington, Haben, et al., 305 North Monroe Street Tallahassee, Florida 32301
On behalf of INFODIAL, INC.

FLOYD R. SELF, Esquire, Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz, P. A., Post Office Box 1876, Tallahassee, Florida 32302-1876
On behalf of MCCAWE CELLULAR COMMUNICATIONS OF FLORIDA, INC.

KIM CASWELL, Esquire, Post Office Box 110, MC 7, Tampa, Florida 33601
On behalf of GTE OF FLORIDA

ANDREW J. MEYERS, Esquire, State of Florida Department of Labor and Employment Security, The Hartman Building, Suite 307, Tallahassee, Florida 32399-2189
On behalf of THE FLORIDA COUNCIL FOR THE HEARING IMPAIRED

ALAN N. BERG, Esquire, Post Office Box 165000, Altamonte Springs, Florida 32716-5000
On behalf of UNITED TELEPHONE COMPANY OF FLORIDA

KENNETH R. HART, Esquire and JEFF WAHLEN, Esquire Ausley, McMullen, McGehee, Carothers and Proctor, Post Office Box 391, Tallahassee, Florida 32301
On behalf of CENTRAL TELEPHONE COMPANY OF FLORIDA

LAURA WILSON, Esquire, Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz, P. A., Post Office Box 1876, Tallahassee, Florida 32302-1876
On behalf of FLORIDA PAY TELEPHONE ASSOCIATION, INC.

RICHARD MELSON, Esquire, Hopping, Boyd, Green & Sams, P. O. Box 6526 Tallahassee, Florida 32314
On behalf of MCI TELECOMMUNICATIONS CORPORATION

PRENTICE P. PRUITT, Esquire, Florida Public Service
Commission, 101 East Gaines Street, Tallahassee, Florida
32399-0863
On behalf of THE FPSC COMMISSIONERS

CHARLES W. MURPHY, Esquire and TRACY HATCH, Esquire,
Florida Public Service Commission, 101 East Gaines
Street, Tallahassee, Florida 32399-0863
On behalf of THE FPSC STAFF

BY THE COMMISSION:

I. CASE BACKGROUND

This case has its roots in Docket No. 910049-TL, which was opened January 11, 1991 to address a petition filed on the behalf of three newspapers: Palm Beach News, Inc. (Palm Beach Post), News and Sun-Sentinel Company (Ft. Lauderdale Sun-Sentinel) and Cape Publications, Inc. (Florida Today/Melbourne). The petition, although filed on behalf of three parties, was a result of Cox Publications, Inc.'s (Cox) inability to get 976 service for the Palm Beach Post in West Palm Beach.

The Petitioners sought a local pay-per-call service such as 976 in their respective market areas. BellSouth Telecommunications Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) responded that it could not provide 976 service to any of the Petitioners' premises as they requested because of the service's historic technical provisioning. Just as each area code could only support one NXX prefix,² each area code could only support one 976 prefix. The decision was made in the original 976 docket that the local markets of Miami, Jacksonville, Orlando and Tampa should get 976 service because they were the largest, most populated areas.

As a result, local 976 service became available in Florida's four most populated markets, but no other market had local 976 service. An out-of-area vendor had to subscribe to an FX line to the local area of the 976 numbers, then have its local customers

¹ Cox is the parent corporation of Palm Beach News, Inc.

² Such as 222-1200.

PRENTICE P. PRUITT, Esquire, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863

On behalf of THE FPSC COMMISSIONERS

CHARLES W. MURPHY, Esquire and TRACY HATCH, Esquire, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863

On behalf of THE FPSC STAFF

BY THE COMMISSION:

I. CASE BACKGROUND

This case has its roots in Docket No. 910049-TL, which was opened January 11, 1991 to address a petition filed on the behalf of three newspapers: Palm Beach News, Inc. (Palm Beach Post), News and Sun-Sentinel Company (Ft. Lauderdale Sun-Sentinel) and Cape Publications, Inc. (Florida Today/Melbourne). The petition, although filed on behalf of three parties, was a result of Cox Publications, Inc.'s (Cox) inability to get 976 service for the Palm Beach Post in West Palm Beach.

The Petitioners sought a local pay-per-call service such as 976 in their respective market areas. BellSouth Telecommunications Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) responded that it could not provide 976 service to any of the Petitioners' premises as they requested because of the service's historic technical provisioning. Just as each area code could only support one NXX prefix,² each area code could only support one 976 prefix. The decision was made in the original 976 docket that the local markets of Miami, Jacksonville, Orlando and Tampa should get 976 service because they were the largest, most populated areas.

As a result, local 976 service became available in Florida's four most populated markets, but no other market had local 976 service. An out-of-area vendor had to subscribe to an FX line to the local area of the 976 numbers, then have its local customers

¹ Cox is the parent corporation of Palm Beach News, Inc.

² Such as 222-1200.

dial from their local area (and the vendor's) 1-976-XXXX to the area where the 976 node was and incur long distance charges to access the service. This arrangement effectively curtailed any subscription to 976 service outside of its designated local area.

Although the arrangement was not ideal, it was necessary because of the technical limitations of local exchange local exchange telephone companies' (LEC) switches. To provide the service in any other way, such as providing direct trunks to all central offices within a LATA, for instance, would have made 976 service unprofitable for the LECs.

Southern Bell made the decision that adding another NXX such as 975 for the Petitioners was not economical. The Petitioners subsequently amended their Petition to ask for N11 service in an attempt to overcome the problems with 976. Infodial, Inc., a division of MarketLink, Inc. (Infodial)³ filed a petition for statewide N11 assignment shortly thereafter.⁴ Southern Bell subsequently filed a tariff to offer N11 service in Florida.⁵ Southern Bell's tariff was approved on October 20, 1992 as a two-year experiment for only the Palm Beach Post in West Palm Beach. The matter was set for hearing.

Several parties intervened, including newspapers, local and interexchange telephone companies, information service providers, and the Florida Council for the Hearing Impaired (FCHI). Testimony was filed, and hearings were conducted on July 1-2, 1993.

II. STIPULATIONS

The following stipulations were approved at the July hearing:

A. Definition of an N11 Code

An N11 code is a three-digit dialing pattern consisting of 211, 311, 411, 511, 611, 711, 811, and 911. Currently, 411 and 911 are reserved nationally by the North American Numbering Plan (NANP) for directory assistance and emergency

³ A Minnesota-based information service and marketing company.

⁴ Docket No. 920913-TL.

⁵ Docket No. 920962-TL.

services, respectively. In addition, 611 and 811 have been assigned by the NANP for repair service and business office use, respectively. 611 and 811 may be used by local exchange companies (LECs) for those purposes at the LEC's option. If a LEC elects not to use 611 or 811, they may be used for other services. For the purposes of this docket, an N11 service is any service provided that is accessed by dialing an N11 code other than 411 and 911.

B. Jurisdiction Over Use, Assignment and Recall of N11 Codes

The FCC, in its Notice of Proposed Rulemaking (NPRM) in CC Docket 92-105 has noted its plenary jurisdiction over numbering plan issues and allocation of N11 codes. Comments and reply comments have been filed with the FCC in that docket. To date, the FCC has entered no ruling that precludes this Commission from allowing LECs to make N11 codes available. There is the potential that a subsequent FCC ruling will affect the manner by which N11 service can be provided. Southern Bell's proposed tariff contains provisions to modify the offering of the service in any way that may be necessitated by the outcome of CC Docket 92-105.

C. Possible Deferral of N11 Decision Pending Resolution of FCC Investigation

With the provisions stated in Issue 2 [Stipulation III.B. immediately above], the Commission need not defer ruling on Southern Bell's proposed N11 service offering.

D. Available Alternatives to N11 Codes

Currently the only direct substitute for N11 service as proposed by Southern Bell is a regular seven-digit number with pay-per-call and billing and collection services added on. Various forums are working on potential substitutes for N11 service codes. These potential substitutes should be utilized as they become available to replace any N11 services offered.

E. Restrictions on Transfer, Sale or Use of the Codes

No N11 codes shall be sold, leased, or otherwise transferred by any N11 subscriber. Each entity and its affiliates shall be allocated only one N11 code per local calling area. If multiple N11 subscribers become affiliated, they must

relinquish all codes but one in each local calling area within 90 days of the affiliation.

F. Petitions for Statewide Assignment of N11 Codes

These petitions should be denied. These entities will have ample opportunity to request service in any local calling area they wish and be allotted an N11 code under the conditions set forth in the rest of this docket.

III. REMAINING ISSUES

Testimony was taken at the July hearing regarding the following disputed matters:

A. The Public Interest

We have been asked to determine generally whether the use of N11 codes is in the public interest. The parties originally stipulated "yes" to this issue. However, we chose to hear testimony before making a public interest determination. Because several parties submitted post hearing positions which differed from the stipulation we shall review this matter as one which is still at issue with the parties.

There is testimony that N11 codes generally are in the public interest. However, United Telephone Company of Florida and Central Telephone Company of Florida (United/Centel)⁶ and GTE Florida, Inc. (GTEFL) maintained that N11 codes should only be used for national public interest uses. United/Centel and GTEFL do not wish to provide N11 services to information providers at this time and contend that using N11 codes for information services is not in the public interest. Witnesses for these Companies stated that only uses such as the dual-party relay service currently being studied by FCHI would be appropriate for N11 codes.

⁶ United and Centel are both subsidiaries of Sprint Corporation. Centel adopted United's position on all issues, so they are referenced as a single position.

GTEFL asserts that many national organizations such as the National Association of Regulatory Utility Commissioners (NARUC) and the North American Numbering Plan Administrator (NANPA) are against the use of N11 codes for information services. United/Centel assert that customer confusion could arise if customers misdialed N11 codes. Both parties also testified that any service provided over N11 numbers could also be provided over regular seven digit numbers. They argue that the use of N11 codes could result in less competition, instead of greater competition as alleged by other witnesses, because only a few providers could gain access to N11 codes which would translate to a competitive advantage.

GTEFL notes that it is incorrect to assume that the provision of N11 codes to information service providers would automatically include LEC-provided billing and collection, a critical feature of N11 codes. GTEFL added that Southern Bell presently offers billing and collection for N11 service through a separate tariff, and even if GTEFL were to provide N11 access, it has not developed a billing and collection service. Further, significant time and expense would be needed to provide one. GTEFL adds that it is waiting for the Information Industry Liaison Committee (IILC)⁷ to develop alternative abbreviated dialing plans which are better suited to the needs of information service providers.

Upon review, we are not persuaded by GTEFL and United/Centel's arguments that only such additional uses as the relay service proposed by FCHI would be suitable for N11 access codes. In this regard, we observe that the aforementioned LECs do not object to their own use of the numbers for sales purposes. However, GTEFL and United/Centel have raised specific concerns regarding N11 service which shall be addressed elsewhere in this Order.

We find that the use of N11 codes to be in the public interest. This includes all of their present uses for emergency services, directory assistance, and repair and customer service as well as other potential uses such as the present use of 511 in West Palm Beach by Cox which has yielded significant call volume and relatively few complaints. This decision is predicated on two concepts. First is the temporary and finite use of N11 codes for commercial purposes which will cease once alternative abbreviated

⁷ A national committee made up of telephone company, Bellcore, vendor, and customer representatives.

dialing codes are deployed at the national level. Second is the underlying jurisdiction of the FCC should it decide to formulate a policy on N11 codes.

B. Provisioning N11 Services

We have been asked to determine how, where, and by whom N11 services should be required (or permitted) to be provisioned. FCHI takes no position on this issue. The Florida Pay Telephone Association's (FPTA) position is that N11 service should not be accessed from payphones. The remaining parties agree that N11 services should be provisioned on a basic local calling area basis only. Southern Bell clarifies that "basic" means that only the flat-rate local calling area as defined by its tariff should be included and that optional EAS plans such as the \$.25 plan should not be included in an N11 calling area. Southern Bell elaborates that plans such as the \$.25 Plan create special billing problems, and that its billing system is not currently capable of properly billing N11 calls to these exchanges.

The parties differ as to where and by whom the services should be offered. GTEFL is not opposed to allowing Southern Bell to offer N11 service, but argues that GTEFL should not be required to offer the service. GTEFL asserts that whether or not to offer the service should be a business decision to be made by the individual LEC.

United/Centel also does not oppose Southern Bell's tariff, but is opposed to mandating other LECs to offer N11 services. United/Centel asserts that issues regarding overlapping calling areas should be addressed before any decisions are made regarding N11 service requirements. United/Centel maintains that several access, transport, and jurisdictional questions need to be settled before the service can be provisioned.

Southern Bell contends that N11 services should be offered wherever sufficient demand exists for the service. For Southern Bell, sufficient demand is one willing subscriber to N11 service. Southern Bell asserts that the problems with overlapping calling areas would be rare and should be overcome on a case-by-case basis.

FPTA's only concern in this docket is the current use of 211 by Private or non-LEC pay telephone service providers (NPATS) for repair service. It seems that many NPATS phones are preprogrammed

to translate 211 into the regular seven digit number associated with the NPATS provider's repair office. The call is outdialed as a regular seven digit number. Such use of 211 by the NPATS instrument is transparent to the LECs. FPTA maintains that N11 service should not be accessed from pay telephones.

Palm Beach Newspapers, Inc. (Palm Beach Post or PBNI)⁸ asserts that where demand in an area can be demonstrated, LECs should be required to offer N11 service. PNBI adds that Information Service Providers (ISP) should be able to provide a business plan and be willing and able to put the numbers in service and keep them in service before the LEC⁹ should be obligated to provide the service. The Newspaper Group's⁹ view is that at least the four largest LECs¹⁰ should be required to offer N11 services if requested by an ISP. The Newspaper Group is also troubled by GTEFL's assertion that it should be solely a business decision by the LEC whether to offer N11 services. The Newspaper Group contends that the LECs are obligated as common carriers to fulfill reasonable service requests by their customers.

Upon review, we find that N11 is appropriately offered as a local-only service. This is consistent with Bellcore's treatment of the numbers which provides for N11 numbers to be used locally if not assigned to a specific purpose. In this context, we find it appropriate to employ Southern Bell's definition of a local calling area in order to avoid billing problems created by optional calling plans.

There does not appear to be sufficient evidence to require all LECs to tariff N11 services at this time. The Newspaper Group and Infodial assert that N11 service would enhance the information services market. GTEFL and United/Centel argue that any service which can be provided through an N11 number can be provided through 976, 900, or regular seven-digit numbers. Thus, it appears that

⁸ A West Palm Beach daily newspaper

⁹ The Newspaper Group is: Cape Publications, Inc. (Florida Today/Melbourne), News and Sun-Sentinel Company (Fort Lauderdale Sun-Sentinel), Palm Beach Newspapers, Inc. (Palm Beach Post), Times Publishing Company, Inc. (St. Petersburg Times). Although these parties sponsored separate witnesses, they filed a joint post hearing brief and thus, are referenced as a single position.

¹⁰ Southern Bell, GTEFL, United, and Centel

information services will get to the market without N11 service. Indeed, several newspaper's acknowledge that they are providing information services today and receiving large volumes of calls over 800, 900, 976, and regular seven digit access numbers. Additionally, we are persuaded by GTEFL's testimony that billing and collection is a separate issue from the provision of N11 access codes.

However, the circumstance which created this docket remains. That is, if an ISP has the resources and wishes to serve a market with a "976-like" service where none is available, it still may be faced with the problem which the Palm Beach Post experienced. In such an eventuality, the ISP may choose to request service from the LEC. In response to such a request, we find it appropriate for the LEC to file a tariff and offer the service, or send a letter to the requesting ISP detailing the reasons why it will not offer the service. The LEC shall then include the request and response in its quarterly Open Network Architecture (ONA) reports.

This approach will provide an opportunity to examine disputes on a case-by-case basis. It is consistent with our decision in the information services docket¹¹ wherein all LECs were required to tariff written requests for ONA-type services or respond to the customer why they are not going to offer the service. The decision to follow established ONA guidelines affects some of the parties in this case and we shall construe participation in this proceeding as a bona fide request for service. Such parties shall not be required to refile their requests.

Statewide, it appears that most of the requests for the service have been in Southern Bell's territories and we find that Southern Bell has satisfied ONA guidelines by its proposed tariff for N11 service. However, some requests were made for service in other companies' territories. At this juncture, LECs need to reevaluate denied requests for N11 service in light of this proceeding. Companies then shall either tariff N11 services or explain in detail why they refuse to offer the service.

Since billing and collection services are an integral part of Southern Bell's N11 offering as well as the parties' requests for N11 services in United's and GTEFL's territories, we find that bona fide requests for billing and collection services have been made by

¹¹ Docket No. 880423-TP.

the parties as well. Therefore, GTEFL and United shall prepare to tariff billing and collection services or explain in detail why they refuse to offer the service. Such an explanation shall include a good-faith estimate of the costs to provide the service to the requesting parties whether or not cost is listed as a reason for refusal.

We find FPTA's view that N11 service should not be accessed from pay telephones to be reasonable. The inability to bill and collect the charges, along with the NPATs' use of 211 for repair service make pay telephone use infeasible at this time. This is consistent with the Commission's decision not to allow 900/976 access from pay telephones.

C. Reservation of Codes

FPTA's asserts that if N11 is allowed from pay telephones, NPATs should be reserved 211 for repair service. GTEFL and United/Centel maintain that N11 codes should only be used for public service uses. GTEFL recommends that 511 and 711 be reserved for telephone relay system (TRS)¹² use. GTEFL states that GTE has already assigned 511 and 711 for TRS use in Hawaii. Both parties argue that the scarcity of the codes and their national nature made them more suited to TRS-type services and contend that commercial use is not their best use.

FCHI also asserts that 511 and 711 should be reserved statewide for TRS use. FCHI states that there was a national effort by the hearing impaired community to secure those numbers for TRS use, and that an abbreviated number would help alleviate misdialing. FCHI asserts that a uniform, statewide (or national) number would be an advantage to TRS users.

Southern Bell, the Newspaper Group, and Infodial all argue that no codes should be reserved. PBNI believes that there are several circumstances which may make N11 undesirable for TRS access: first, the cost of converting central offices are significant; second, other numbers such as 555-XXXX or 1-800-XXX-XXXX are better suited and more easily converted to TRS access; third, approximately 25% of the nation's central offices cannot use any N11 codes. Southern Bell contends that reserving some numbers

¹² TRS is a relay system designed for use by both the hearing and hearing impaired.

would likely drive the costs up for the remaining numbers and limit the N11 market. Southern Bell adds that if codes are reserved for some future use, as FCHI proposes, the benefit of having the N11 codes productive during the time before they are put into use for the reserved purpose is wasted.

Upon review, we are not convinced that it is appropriate to reserve any N11 codes at this time. Given the uncertainties involved in provisioning TRS via N11 codes, we find no compelling reason to assign 511 and 711 for TRS use in Florida. If codes are reserved nationally, there are provisions in Southern Bell's tariff for the codes to be recalled. Moreover, while it was stipulated that 611 and 811 have been reserved by the NANP for possible LEC use, we find that if a LEC wishes to make 611 and 811 available to ISPs it shall be allowed to do so.

D. Allocation of Codes

GTEFL testifies that a nondiscriminatory approach which removes the LEC from having to decide who gets N11 numbers was advisable. GTEFL also suggests a gateway approach might be desirable. A gateway would allow several ISPs to aggregate on a single N11 number; the caller would choose the ISP through a menu system at the beginning of the call. United/Centel contend that national policies should be examined before any codes were allocated.

Southern Bell advocates its lottery proposal as the best way to ensure that N11 codes were allocated in as fair a way as possible. McCaw Cellular Communications of Florida, Inc. (McCaw) agrees. Southern Bell is concerned that a first-come, first-served method may exclude interested participants. The proposed lottery method will allow all potential applicants 60 days to sign up for N11 service. The notice period will be advertised and widely circulated in trade journals, newspapers, and mailings for maximum exposure. Then all applicants will be assured an equal chance of getting N11 service. If more applicants apply for N11 service than the numbers available, a lottery will ensue. If not, all applicants will get N11 service.

Infodial and the Newspaper Group advocate a first-come, first-served approach. They maintain that companies which invested the time and effort in applying for N11 codes should be first in line to receive them. They add that the businesses with plans and resources tended to be first in line and that lotteries will

encourage speculators rather than innovators. The Newspaper Group's argument for first-come, first-served N11 allocation involve three elements: first, as common carriers, LECs traditionally offer services on a first-come, first-served basis; second, it is an appropriate method allocating a limited resource; third, it is efficient.

Upon review, it is apparent that first-come, first-served and the lottery each have advantages and disadvantages. However, Southern Bell appears to be the only company which will provide N11 service in the near term. It has no business interest in which allocation method is approved but has chosen to include a lottery method in its tariff. Upon consideration, we shall approve Southern Bell's lottery approach. The lottery will avoid problems associated with determining who is first and where the line began. It will also put all customers on notice that N11 is an available, permanent service offering.

E. Southern Bell's Tariff Filing

Infodial and the Newspaper Group are the only parties opposed to Southern Bell's tariff. Their arguments involved four proposed changes: (a) aggregate billing; (b) multi-tiered charges; (c) restricted advertising; and (d) allocation of codes by time of request.

First, the Newspaper Group requests aggregate billing for N11 calls. Presently, each N11 call is a separate line item on a customer's bill. The N11 subscriber is charged per line under Southern Bell's current billing and collection tariff. Aggregate billing would allow all calls to an N11 number to be placed on a single line instead of listed separately. It appears that this could save the N11 subscriber significant billing and collection fees. Southern Bell agrees that this is a feasible alternative.

Second, it is argued that Southern Bell's tariff should be amended to allow for advertising along 976 rule requirements. The Newspaper Group maintained that Southern Bell's proposal is more stringent than 976 rules allowed and that this is an unintended result.

Third, it is asserted that multi-tiered rates should be allowed. The Newspaper Group argues that Southern Bell's current rates may be too high for smaller markets, so additional tiers

should be included. Southern Bell agrees that additional tiers may be appropriate in smaller markets.

Fourth, it is argued that the tariff should allow for first-come, first-served allocation. This matter was resolved supra at Section III. D. Allocation of Codes.

Although no evidence was presented regarding advertising requirements, based upon argument presented in post hearing briefs, it appears that a change may be appropriate and we encourage Southern Bell to analyze the matter and possibly file an amendment to its tariff. Aggregate billing and multi-tiered rates were not opposed by Southern Bell and appear to be reasonable changes to the tariff.

While no testimony was received directly regarding a rate cap, the types of service which were described by the parties to this proceeding were reasonably inexpensive on a per call basis. It is these types of services which we anticipate for N11 codes. Because the codes are limited in number, and in order to best serve the public with their use, we shall impose a rate cap of five dollars per call on N11 calls.

One additional change appears to be necessary. Concerns were raised at the hearing regarding speculators obtaining N11 codes. There was testimony that a deposit might help discourage such speculation. While there is no testimony regarding the appropriate amount of such a deposit, we find that the nonrecurring charge associated with N11 service would be a reasonable. It is high enough to be significant to speculators, and yet the customers will have to pay it anyway should they obtain N11 service after a lottery. If a customer is denied an N11 number through the lottery, the deposit will be refunded. This approach is simple, yet should help discourage speculation for N11 numbers.

Based on the foregoing, Southern Bell shall be required to revise its tariff to provide for multi-tiered rates, aggregate billing, a deposit, and a five dollar rate cap. Southern Bell shall submit the revisions for Commission review.

F. Petitions for N11 service

Most parties agree that if N11 codes are allowed in this state, it partially grants the petitions for N11 service. They also agree that other decisions in this case may render aspects of

the petition moot. GTEFL argues that the petitions should be denied. Only the Newspaper Group and Infodial maintain that the petitions should be granted. They assert that pioneering efforts warrant a preference when allocating N11 numbers.

Upon review, we do not find it appropriate to grant a "pioneer preference" in this case because there will be ample opportunity to apply for N11 service under the terms our decision. PBNI shall be allowed to retain its service in West Palm Beach, not as a "pioneer preference," but to avoid consumer confusion. The experiment in West Palm Beach appears to be functioning well with significant call volume, very few complaints, and general consumer satisfaction. It would not be in the public interest to disrupt this existing service.

When read with other decisions reached in this proceeding, this has the effect of granting the requests for N11 service while denying a guarantee of receiving an N11 access code should request volumes necessitate a lottery to allocate the numbers.

Therefore, it is

ORDERED by the Florida Public Service Commission that all findings set forth in the body of this order are affirmed in every respect. It is further

ORDERED the stipulations set forth in the body of this Order are approved. It is further

ORDERED that, as a general concept, commercial use of N11 codes and services by information service providers is in the public interest, provided that such use is temporary and finite, and that all such use will migrate to alternative abbreviated dialing codes when such codes are developed at the national level. It is further

ORDERED that N11 services shall be provisioned, where sufficient demand exists to warrant them, on a basic local flat-rate calling area basis which shall exclude any extended area service plans with additional monthly or per-message charges. It is further

ORDERED that overlapping basic local calling areas shall be addressed on a case-by-case basis. Any disputes shall be brought

ORDER NO. PSC-93-1620-FOF-TL
DOCKETS NOS. 920962-TL, 910049-TL, 920913-TL
PAGE 16

to the attention of the Commission staff for analysis, and, if necessary, to the Commission for resolution. It is further

ORDERED that N11 services shall not be provisioned from pay telephones. It is further

ORDERED that potential N11 customers may request service in writing in territories where N11 service does not presently exist. Local exchange companies shall respond to an N11 request as set forth in the body of this Order. It is further

ORDERED that participation in this proceeding shall be construed as a bona fide request for both N11 and billing and collection services. It is further

ORDERED that N11 codes shall not be reserved for special purposes at this time. It is further

ORDERED that, where necessary, N11 codes shall be allocated through the lottery method outlined in Southern Bell's proposed tariff. It is further

ORDERED that Southern Bell's tariff filing to introduce N11 Service shall not be approved. Southern Bell shall amend its tariff proposal to allow for aggregate billing, multi-tiered rates, a deposit, and a five dollar per call rate cap, as set forth in the body of this Order. Southern Bell shall then resubmit its tariff within 60 days from the date of this Order. It is further

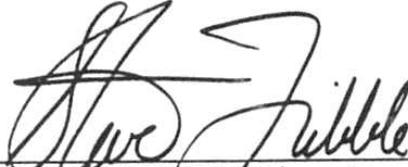
ORDERED that decisions made in this case result in partial approval and partial denial of pending petitions for N11 service. It is further

ORDERED that Palm Beach News, Inc. shall be allowed to retain N11 service in West Palm Beach which it obtained under the original experimental tariff. It is further

ORDERED that the requests for a "pioneer preference" are denied as set forth in the body of this Order. It is further

ORDERED that Docket No. 920962-TL shall remain open pending the refiling of an N11 tariff by Southern Bell. Dockets Nos. 910049-TL and 920913-TL are hereby closed.

By ORDER of the Florida Public Service Commission this 4th day
of November, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

Commissioner Laredo dissented regarding how N11 codes are to
be allocated and the imposition of a rate cap of \$5.00 per call.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section
120.59(4), 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.

Any party adversely affected by the Commission's final action
in this matter may request: 1) reconsideration of the decision by
filing a motion for reconsideration with the Director, Division of
Records and Reporting within fifteen (15) days of the issuance of
this order in the form prescribed by Rule 25-22.060, Florida
Administrative Code; or 2) judicial review by the Florida Supreme
Court in the case of an electric, gas or telephone utility or the
First District Court of Appeal in the case of a water or sewer
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 after the issuance of this order,
pursuant to Rule 9.110, Florida Rules of Civil Procedure. The
notice of appeal must be in the form specified in Rule 9.900 (a),
Florida Rules of Appellate Procedure.