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960876-7L

July 31, 1996

Ms. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

Re: BellSouth's Petition for Declaratory Statement

Dear Mrs. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Declaratory Statement, or in the Alternative, for Waiver, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

J. Phillip Carver (SL)
J. Phillip Carver

RECEIVED
JUL 31 1996
FPC-RECORDS/REPORTING

Enclosures

cc All Parties of Record
R. G. Beatty
A. M. Lombardo
William J. Ellenberg II

DOCUMENTED BY DATE
08032 JUL 31 96
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CERTIFICATE OF SERVICE
DOCKET NO. 960876-

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail this
31st day of July, 1996 to:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Betty Easley Conference Center, Rm. 110
Tallahassee, FL 32399-0850

J. Phillip Carver (SL)
J. Phillip Carver

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth)
Telecommunications, Inc. for)
Declaratory Statement, or in the)
Alternative, for Waiver.)
_____)

Docket No. 960896-TL

Filed: July 31, 1996

BELLSOUTH TELECOMMUNICATIONS, INC.'S
PETITION FOR DECLARATORY STATEMENT,
OR IN THE ALTERNATIVE, FOR WAIVER

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.020, Florida Administrative Code, seeks a Declaratory Statement as to the applicability of Rule 25-4.115, F.A.C., to directory assistance calls from a caller's home Numbering Plan Area ("NPA") to a foreign NPA where both the home and foreign NPAs are in the same LATA. In the alternative, pursuant to Rule 25-24.505(3), F.A.C., BellSouth petitions the Florida Public Service Commission for a waiver of the Rule.

In support of this Petition, BellSouth states the following:

1. BellSouth is a telephone company lawfully doing business in the state of Florida, the regulated operations of which are subject to the jurisdiction of the Commission pursuant to Chapter 364, Fla. Stat.

2. BellSouth's principal place of business in Florida is 150 W. Flagler St., Suite 1910, Miami, Florida, 33130.

3. Pleadings and process in this matter may be served upon:

Robert G. Beatty
J. Phillip Carver
Stephen M. Klimacek
c/o Nancy Sims
150 So. Monroe Street, Ste. 400
Tallahassee, FL 32301

4. Under Rule 25-4.115, F.A.C., charges for directory assistance calls (and the associated routing requirements) are determined by the home NPA of the caller. "[C]alls within a local calling area or within a customer's [home NPA] shall be at rates prescribed in the General Service Tariff of the local exchange company originating the call. . . ." Rule 25-4.115(2), F.A.C. On the other hand, "intrastate calls to directory assistance outside of the caller's [home NPA] shall be at rates prescribed in the General Service Tariff of the interexchange companies. . . ." Rule 25-4.115(3), F.A.C.

5. When Rule 25-4.115 was implemented, BellSouth could route directory assistance traffic on either a LATA-wide or NPA-wide basis and still be in full compliance with the Rule, because there were no LATAs that contained more than one NPA.¹

6. Because of changed circumstances arising from the recent proliferation of NPAs in Florida (since 1986, the number of NPAs has grown from three to eight), strict application of the Rule will produce a result that may have been unintended at the time the Rule was developed. This could work a hardship on end users calling for directory assistance on numbers outside their local calling area.

7. At the time the Rule was developed, there were only three NPAs in all of

¹ Prior to the Commission's adoption of Rule 25-4.115, Judge Greene gave BellSouth the option of providing directory assistance on an NPA-wide basis. United States v. Western Electric Co., Inc., No. 82-0193 (D.C. July 12, 1985). Therefore, where an NPA crossed LATA boundaries, BellSouth could, if it so elected, handle a call to directory assistance made from a caller on one side of the LATA boundary seeking a number in the same NPA, but on the other side of the LATA boundary.

Florida. A directory assistance call from a caller's home to a foreign NPA would, in all cases, involve a call to a different LATA. That is not the case today.

8. Presently, three separate NPAs (305, 954 and 561) are fully contained within the Southeast LATA, which runs from Key West to Sebastian Inlet. In 1986, the only NPA in that LATA was 305. Consequently, at any time from the development of the Rule in 1986 until August 1, 1996 (when the 954 NPA becomes mandatory in Broward County), a person calling directory assistance from, for example, the Homestead exchange and seeking a number in the Ft. Lauderdale exchange would be charged BellSouth's rate of 25¢. After the 954 NPA becomes mandatory, that same directory assistance call would be outside the caller's home NPA, but within the same LATA. Applying a strict construction of Rule 25-4.115, the caller would be routed to an interexchange carrier and charged the interexchange carrier's rate, which in most cases is higher than BellSouth's rate.

9. Carrying the Rule to its extreme, a local call could be routed to an interexchange carrier. For example, a further split of NPA 305, which appears likely, could cause a directory assistance request originating in the Homestead exchange for a listing in North Miami Beach to be routed to an interexchange carrier. BellSouth does not believe this result was ever intended when the Rule was implemented. Moreover, under BellSouth's existing tariff, callers receive their first three local directory assistance calls free. If, however, these local calls are routed to an interexchange carrier, customers would pay the interexchange carrier's rate for such calls.

10. Based on the foregoing, it is obvious that circumstances have changed since the original implementation of Rule 25-4.115. Strict adherence to the Rule today would result in routing and billing directory assistance calls in a way that differs

markedly from the result of applying the Rule at its inception. Strict application of the Rule to current circumstances would thus yield a result that appears to conflict with the intended result of the Rule. To mitigate against any billing/routing anomaly created by a strict application of the Rule, the Commission should interpret Rule 25-4.115 to authorize BellSouth to route to itself directory assistance calls from a caller's home NPA to a foreign NPA where both the home and foreign NPAs are in the same LATA.

Alternatively, if this Commission determines that the Rule cannot be interpreted in this manner, it should grant BellSouth a waiver from this Rule to allow BellSouth to route directory assistance calls as described above.

WHEREFORE, BellSouth respectfully requests the Commission to issue a Declaratory Statement that Rule 25-4.115, F.A.C., authorizes BellSouth to route to itself, and charge its tariff rate for, directory assistance calls from a caller's home NPA to a foreign NPA where both NPAs are in the same LATA. In the alternative, BellSouth requests the Commission to grant it a waiver of Rule 25-4.115 to allow routing and billing as described above.

BellSouth Telecommunications, Inc.

Robert G. Beatty (BL)

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