

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

September 25, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF APPEALS (BELLAK) *KCB DS*
DIVISION OF COMMUNICATIONS (WIDELL) *Raw TW*

RE: DOCKET NO. 960876-TL - PETITION FOR DECLARATORY
STATEMENT, REGARDING RULE 25-4.115, F.A.C., OR, IN THE
ALTERNATIVE, FOR WAIVER OF RULE, BY BELLSOUTH
TELECOMMUNICATIONS, INC.

AGENDA: OCTOBER 8, 1996 - REGULAR AGENDA - DECLARATORY STATEMENT
- PARTICIPATION LIMITED TO COMMISSIONERS AND STAFF

SPECIAL INSTRUCTIONS: S:\PSC\APP\WP\960876.RCM

CASE BACKGROUND

On July 31, 1996, BellSouth Telecommunications, Inc. (BellSouth), pursuant to Rule 25-22.020, Florida Administrative Code, filed its Petition for Declaratory Statement or in the alternative; pursuant to 25-24.505(3), for waiver of Rule 25-4.115, F.A.C. (Petition).

The reason for the petition is that Numbering Plan Areas (NPA) have proliferated so that there are now eight NPAs instead of three, as was the case formerly. As a result, applying Rule 25-4.115 could, for example, cause a directory assistance call from Homestead seeking a number in Ft. Lauderdale to be routed to an interexchange carrier and charged an interexchange carrier's rate even though both NPAs (305 and 954) are located within the same LATA. That would not have been the case formerly since there were no LATAs that contained more than one NPA.

DISCUSSION OF ISSUES

ISSUE 1: Should BellSouth's Petition for Declaratory Statement be granted?

RECOMMENDATION: No. BellSouth's petition for declaratory statement should be denied.

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STAFF ANALYSIS: Staff concurs in BellSouth's premise that interexchange routing of directory assistance calls within the same LATA is not a result intended by the Commission in enacting Rule 25-4.115. However, given the rule language, if the Commission wishes to correct that unintended result, it should either grant a waiver as to application of the rule for directory assistance calls within the same LATA, or, in addition, grant such a waiver pending amendment of Rule 25-4.115.

ISSUE 2: Should BellSouth's alternative petition for waiver be granted?

RECOMMENDATION: Yes. BellSouth's alternative petition for waiver should be granted.

STAFF ANALYSIS: For the reasons given in the analysis of Issue 1, supra, BellSouth's alternative petition for waiver should be granted. The Commission may, in addition, grant such a waiver pending amendment of Rule 25-4.115. However, that waiver or modification would, in staff's view, more properly be authorized by Rule 25-4.002(3) than Rule 25-24.505(3) as petitioned for by BellSouth.

ISSUE 3: Should this docket be closed.

RECOMMENDATION: Yes.

RCB