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February 28, 1997

**Ms. Blanco Bayo
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850**

**Re: Petition for Numbering Plan Area Relief for 904 Area
Code by BellSouth Telecommunications, Inc.
Docket No. 961153-TL**

Dear Ms. Bayo:

Enclosed are the original and 15 copies of Response to
Petition for Reconsideration on behalf of St. Joseph Tele-
communications and Quincy Telephone Company. Copies have been
provided to parties of record.

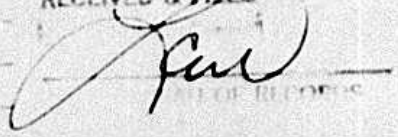
Sincerely,



David B. Erwin

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FPSC RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for)
numbering plan area)
relief for 904 area)
code, by BellSouth)
Telecommunications, Inc.)
_____)

DOCKET NO. 961153-TL

FILED: February 28, 1997

RESPONSE TO PETITION FOR RECONSIDERATION

Pursuant to Rule 25-22.060(1)(b), F.A.C., St. Joseph Telecommunications and Quincy Telephone Company file this Response to the Petition for Reconsideration filed by Alltel Florida, Inc. and Northeast Florida Telephone Company, which was received on February 24, 1997. Pursuant to Rule 25-22.060(3)(c), F.A.C., this Response is timely filed.

The parties seeking reconsideration have raised several points. The first is that:

- A. The Order Fails to Consider the Impact Local Number Portability and a Three-Way NPA Split in the Jacksonville LATA Will Have on Carriers and Customers.

RESPONSE

Even if reconsideration is allowed, the point raised has no merit. Permanent number portability should be transparent to customers, so there should be no confusion caused by implementing number portability. Raising the specter of customer confusion is disingenuous. As far as carrier confusion is concerned, there is nothing for the Commission to worry about there, either. The two carriers who are asking for reconsideration, are not required to comply directly with local number portability requirements by the

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third quarter of 1998, and, surely, BellSouth will not be confused, even if the target date for number portability requirements becomes firm and there is actually a significant degree of competition.

Assuming there is truly a problem with concurrent implementation, then perhaps number portability could wait for a convenient time for its implementation. The area code fix cannot wait.

B. The Commission's Order Solves a "Problem" That Was Not Presented for Resolution.

RESPONSE:

Instead of suffering criticism, the Commission should be commended for recognizing that the "solution" recommended by the Petitioners in this docket was no solution, but was a postponement of the problem.

It is not true that the Commission "ignored" the Guidelines. In fact, the Commission considered the Guidelines and recognized that the need to solve the peculiar problem in Florida would require not following the guidelines in this docket or not following the guidelines in the very near future when the same problem would arise again upon the exhaust of the Jacksonville and Daytona area code in 2002 or earlier. Unless there is to be an overlay of area codes in the future (a situation not warmly embraced by anyone), the Daytona Beach LATA is going to have to have an area code assigned that will not exhaust within the period set by the Guidelines. Indeed, this problem is at least partially the fault of the code holders and plan administrator's previous

actions, which violated the exhaust guidelines by assigning the 352 area code to the Gainesville LATA and which tied the Commission's hands by carelessly assigning NXXs so that a joinder of the Daytona LATA with the 352 area code is not now possible.

The Commission has attempted to make the best of a difficult and perplexing problem that does not fit neatly into a set of guidelines. If the Commission's job is just to insure compliance with a fixed set of criteria rather than exercise its independent judgment to solve unique problems, then one would expect to see hard and fast rules, not Guidelines. Hopefully, the Commission has more than just ministerial powers in this area and is not bound to provide only solutions that are acceptable to some higher authority.

C. The Order Fails to Consider the Effect of the Decision on the Overall Process of Number Administration.

RESPONSE:

The North American Numbering Council (NANC) has sent a letter to Chairman Johnson requesting reconsideration because of the precedential effect the FPSC's decision could have nationwide. Those seeking reconsideration claim that this letter can be considered on reconsideration. We disagree with the theory and the suggestion that the letter can be considered as evidence. First, the decision by the Florida Commission to solve a Florida problem that was partly exacerbated by various players in Florida who are supposed to facilitate the process hardly seems the kind of thing

to change the course of successful nationwide number distribution. If that is a possibility, then evidence should be presented subject to cross-examination. Otherwise, reference to the ex parte letter and any other ex parte communications should be ignored. Also, allegations about code holders "capturing" an NPA before it is truly needed is certainly not the case here. Daytona Beach is not trying to capture an area code. The PSC is simply trying to solve a perplexing local problem. Cries of wolf are off the mark in this case.

Respectfully submitted,



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CERTIFICATE OF SERVICE
Docket No. 961153-TL

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail or hand delivery this 28th day of February, 1997, to the following:

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