FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center ● 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

May 29, 1997

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

FROM: DIVISION OF COMMUNICATIONS (MONTEIRO) *(initials)*
            DIVISION OF LEGAL SERVICES (COX) *(initials)*

RE: 970509-TL - PETITION BY SPRINT-FLORIDA, INCORPORATED FOR
            PARTIAL WAIVER UNTIL MARCH 1, 1998, OF REQUIREMENTS OF
            RULE 25-4.081, F.A.C.

AGENDA: 6//0/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
            INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 07/28/97 - STATUTORY DEADLINE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970509.RCM

CASE BACKGROUND

On January 6, 1997, the Commission adopted Rule 25-4.081,
Florida Administrative Code (Emergency 911 Access). This rule
required that telecommunication providers maintain "911" access for
temporarily disconnected phone lines.

When Sprint began compliance with the new rule, it experienced
technical difficulties with its ability to retain the ancillary
services of a customer when certain switches were programmed to
provide 911 service upon temporary disconnection, such as call
waiting. The technical problem creates an administrative problem
upon re-connection because Sprint is no longer aware of the
customer-specific features that should be associated with the line.
It is a software problem specific to Sprint's software capability.

On April 29, 1997, Sprint filed a request for a partial waiver
of Rule 25-4.081, Florida Administrative Code (Attachment A). The
Notice of Petition for Waiver was submitted to the Secretary of
State for publication in the Florida Administrative Weekly April

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30, 1997. The comment period ended May 14, 1997, and no comments were received. The statutory deadline for the Commission's decision regarding this petition is July 28, 1997.

DISCUSSION OF THE ISSUES

ISSUE 1: Should the Commission grant Sprint-Florida a partial waiver of Rule 25-4.081, Florida Administrative Code, for 5ESS and DMS100 switches from July 1, 1997, through March 1, 1998?

RECOMMENDATION: Yes. (Monteiro)

STAFF ANALYSIS: On January 6, 1997, the Commission adopted Rule 25-4.081, Florida Administrative Code (Emergency 911 Access).

Rule 25-4.081, Florida Administrative Code, reads as follows:

25-4.081 Emergency 911 Access
(1) Access to emergency 911 services shall be provided by the local exchange company to basic local exchange company subscribers.

(2) By July 1, 1997, access to 911 shall be maintained for the duration of any temporary disconnection for non-payment of a subscriber's local residential service, except that small local exchange companies as defined by Section 363.052(1), Florida Statutes, shall have until July 1, 1998, to comply.

On April 29, 1997, Sprint submitted a request for a partial waiver of Rule 25-4.081. Sprint requests the waiver specifically for two types of switches (5ESS and DMS100) from July 1, 1997, to March 1, 1998. Sprint discovered that technical difficulties have made it impossible to cost-effectively meet the rule requirements for some of Sprint's customers serviced by certain switches. Sprint believes that it cannot cost-effectively meet the July 1, 1997, deadline.

The 1210, 1210R, and D10REM switches are all capable of retaining a customer's original line features. This capability is due to the switches' software. The software allows lines suspended for non-payment to originate calls to a limited range of called numbers. No calls are allowed to terminate to the suspended lines. When a customer is reconnected, the switches automatically provide the original services to the line.

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Currently, Sprint does not have the software for the 5ESS and DMS100 switches to allow a suspended line to originate calls to certain numbers. Therefore, in order for a suspended line to have 911 access, the line class code (which corresponds to the type of service) and the line treatment code (which corresponds to any restrictions) must be changed to allow outgoing 911 calls and also to restrict all other outgoing and incoming calls.

When the line is to be re-connected, the software that interconnects with the switches must supply the original line class code and line treatment code to the switch. Sprint's software is unable to restore this information and provide it to the switch upon re-connection.

This problem is specific to Sprint. Staff asked GTE and BellSouth about 5ESS and DMS100 switches and compliance with the 911 access to suspended line rule. GTE and BellSouth currently have the technology in place to save the codes needed to accurately re-connect lines with the same features as before the disconnect. The codes are saved in databases and fed to the switches upon reconnection. Both companies use company-specific software to accomplish this task.

Sprint-Florida has identified several options that can be employed to remedy this situation. They are as follows:
1. Install the "memory" capability in the switches with generic software upgrades;
2. Track and implement the disconnects manually;
3. Maintain full outward dialing-capable service for non-paying customers; or
4. Program the service ordering database to "remember" what features are to be restored after the period where only 911 service is to be provided;

1)   Install the "memory" capability in the switches

Sprint-Florida believes that the generic software upgrade would be the most cost-effective solution if time was not of the essence. However, the vendors for the 5ESS and DMS100 switches (Nortel and Lucent, respectively) have indicated that installing the capability in switches now in service would require making core system changes to the next generation of generic software. The next generation of software in not due to be available before July of 1998, at the earliest. Sprint-Florida did not plan to buy the next generation of software. Sprint-Florida's current practice is to install the software in switches over 12-18 months in accordance with budget and engineering guidelines. On April 1, 1997, and

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April 19, 1997, Nortel and Lucent, respectively, began exploring
the technical problem of writing the capability into the switch
software, but there are no guarantees if or when these changes will
occur.

2) Track and implement the disconnects manually

Sprint-Florida estimates that it processes 65,000 transactions
(40,000 disconnects and 25,000 restorals) each month. It estimates
that manual processing of these transactions would require
additional employees to be trained by July and ready to provide
the service at approximately $2,000,000 annually. Day-to-day
fluctuations in service calls might delay processing of new orders
and there is much more room for human error with the manual
process.

3) Maintain full outward-dialing for non-paying customers

This option would take away any impetus for the customer to
pay their bill.

4) Program the service ordering database to remember customers' features during temporary disconnects

Sprint's Service Order Distribution System (SODS) is its major
administrative data system. This software controls the service
orders for customers. Currently, when a line is temporarily
disconnected, a message is typed into the switch software which
would not allow incoming or outgoing calls. Upon reconnection, the
message could be removed.

In order to allow only 911 outgoing calls, the line class
needs to be changed. The line class identifies which features are
associated with a particular line. When the customer is
reconnected, the original line class needs to be reactivated.
Sprint's dilemma is that SODS is not capable of storing the
original line class informat'on.

SODS needs to be modified to retain the information regarding
the disconnected customer's service configuration prior to
suspension. Sprint estimates that it would take approximately 12
months to modify the system (Sprint has since stated that the End
Production date is March 1, 1998) and cost approximately $300,000.
This time frame is due to the fact that key personnel are working
on rewriting the same software to implement mandated resale and
interconnection for ALECs.

Staff believes that it is in the public interest to grant Sprint-Florida this waiver even though this means that 911 access will not be available to approximately 90% of Sprint-Florida's temporarily disconnected customers until March 1, 1998. The only other option available would be to require Sprint-Florida to allow non-paying customers to continue to have outward-dialing capability or to require that Sprint manually disconnect and manually restore service.

Sprint-Florida has estimated that it would cost approximately $2,000,000 per year to manually disconnect customers. If Sprint-Florida allows non-paying customers to continue with outward-dialing, Sprint would lose a great amount of revenue. Staff believes that the most cost-effective and logical method to resolve Sprint-Florida's inability to comply with 25-4.081, Florida Administrative Code, is to grant the partial waiver with an expiration of March 1, 1998, in order to allow Sprint-Florida to rewrite its administrative data software.

Staff believes that Sprint has demonstrated that enforcement of the rule would cause substantial hardship on Sprint-Florida due to the great cost associated with immediate compliance through technically feasible means. Further, Sprint-Florida has demonstrated, in its petition, that with this waiver the purpose of Chapter 364.03, Florida Statutes, would be served because the provision of 911 on suspension, as soon as technologically and economically feasible, is consistent with the "reasonable entitlement" of customers to "suitable and proper" conditions required by the Statute.

Staff recommends that the Commission grant Sprint-Florida's waiver as petitioned.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. (Cox)

STAFF ANALYSIS: This docket should be closed if no person, whose interests are substantially affected by the proposed action, files a protest within the 21 day protest period.