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March 10, 1999

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
99 MAR 10 PM 3:31
RECORDS AND REPORTING

Re: Docket No. 981941-TL, Docket No. 990184-TL,
Docket No. 990223-TL; Joint Motion to Consolidate

Enclosed are the original and seven (7) copies of the Joint Motion to Consolidate Docket No's. 981941-TL, 990184-TL and 990223-TL, filed by Sprint-Florida, Inc. and GTE-Florida, Incorporated.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

- ACK _____
- AFA _____
- APP _____
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- RCH _____
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Thank you for your assistance in this matter.

Sincerely,

Charles J. Rehwinkel

CJR/th

Enclosures

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FPSC BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

03115 MAR 10 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into telephone exchange boundary issues in South Polk County.

DOCKET NO. 981941-TL

In Re: Investigation into telephone exchange boundary issues in South Sarasota and North Charlotte Counties.

DOCKET NO. 990184-TL

In Re: Request for review of proposed numbering plan relief for the 941 area code.

DOCKET NO. 990223-TL

FILED: March 10, 1999

JOINT MOTION TO CONSOLIDATE

Sprint-Florida, Incorporated ("Sprint") and GTE-Florida, Incorporated ("GTEFL") jointly move the Florida Public Service Commission to consolidate the above-styled dockets. Furthermore, Sprint and GTEFL request that this Motion be considered on an expedited basis. In support, movants state as follows:

I. Background.

On March 1, 1999, the Commission established Docket No. 990223-TL to

consider various methods of providing relief for the 941 NPA (Number Plan Area). On August 14, 1999, the North American Numbering Plan Administrator (NANPA) submitted an Industry Consensus¹ Numbering Relief Plan for consideration. Undocketed customer hearings were scheduled in Ft. Myer (December 9, 1998), Naples (December 17, 1998), Sarasota (December 16, 1998), and Bartow (December 16, 1998). No customers showed up at the hearing in Ft. Myers (before Commissioner Deason) or the staff-conducted hearing in Naples and the other two hearings were canceled due to Governor Chiles death². However, customers in Bartow and Ft. Meade expressed concerns (reported in the press) that drawing an NPA boundary line between Ft. Meade and Bartow would cause 10-digit dialing to the County Seat.

Because the Ft. Meade issue was presumably deemed to implicate substantial interests of Ft. Meade customers, docket (981941-TL) was opened on December 28, 1998. At that time the 941 relief plan was not docketed.

Subsequently, at a Sarasota staff-conducted workshop on February 2, 1999, customers in the Englewood area expressed a concern about the Cape Haze area having a different NPA code than the Englewood exchange. As in the Ft. Meade situation, the Englewood concerns were deemed to implicate substantial interests of persons. A separate docket (990184-TL) was

¹The consensus was among participants in the sessions.

²The Bartow and Sarasota hearings were rescheduled for January 27, 1999 and February 2, 1999, respectively. A Ft. Meade customer hearing was scheduled and held on January 27, 1999.

established on February 17, 1999. Still, the 941 Relief plan was not docketed.

Finally, on or about February 23–26, 1999, the Commission heard complaints from Wireless One/Cellular One (a code holder) and Cheetah Technologies (business unknown). Soon thereafter Docket No. 990223–TL was opened (March 1, 1999)³.

II. Relief requested.

Although the evolution of these dockets into three separate dockets with separate time lines is understandable, a uniform, comprehensive and simultaneous resolution to the 941 NPA exhaust problem is needed. The Commission concluded at different times that all three dockets are essential for the determination of the substantial interests alleged by various persons. However, only happenstance is responsible for the dockets' separate evolutionary paths.

The movants urge that the Commission recognize that all three dockets have a common bond. The Ft. Meade and Englewood dockets would not exist but for the Commission's review of the 941 relief plan. Resolution of all three dockets in a unified fashion will be necessary before the 941 relief plan can be effectively implemented.

³Despite the concerns about denial of due process in the 941 relief process raised by Cellular One, the movants have not been served with any correspondence from Wireless One or Cheetah.

For example, currently the 941 NPA is forecasted to exhaust in the fourth quarter, 1999. With the Order in this proceeding expected in June 1999, relief will not be available until late in the first quarter, 2000. This discrepancy in the dates may force the NANPA to consider placing the 941 NPA in jeopardy thereby necessitating a conservation measure or restriction on the availability of numbering resources to all code holders of the 941 NPA.

Even more troubling, the Englewood docket is not scheduled for a vote until September 21, 1999. Proposals have been offered relative to that proceeding⁴ that would materially affect the assumptions underlying the projected exhaust dates, potentially to the point of creating an imbalance outside of the NANPA guidelines. The bottom line is that uncertainty in the resolution of the Englewood situation will materially hamper company implementation efforts, customer notification and establishment of a firm date for mandatory dialing. Implementation of 10-digit dialing on NPA routes could not occur if the possibility existed that 7-digit dialing might be retained in a post decision resolution of the Englewood docket.

III. Authority.

Rule 25-22.035(2) provides:

(2) Consolidation: If there are separate matters before the

⁴One suggestion that would avoid depriving Cape Haze customers of 10 digit dialing to the county seat and largest city while maintaining a Englewood/Cape Haze NPA identity, involves shifting all of Charlotte county into the northern sector. Thirty two (32) existing codes would be moved, increasing the current 25 code differential (Tampa LATA has more) by 64. In turn, this would materially reduce the projected life of the Tampa LATA portion.

presiding officer which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party. Any party to a proceeding may request that it be consolidated with proceedings, or the presiding officer may on his or her own initiative order separate proceedings to be consolidated.

This rule should guide the Commission in the speedy resolution of this matter. Unfortunately each docket is assigned to a different prehearing officer. Fortunately, coordination with the Chairman's office and reassignment of the cases to one presiding officer would allow one Commissioner to make the decision on consolidation.⁵ Granting this motion would promote the just, speedy and inexpensive resolution of the proceedings and would not prejudice the rights of any parties. Only Sprint and GTE are parties to Docket 990184-TL. The interested persons in Englewood have already had at least one opportunity to testify (February 2, 1999 in Sarasota). The resolution of the Ft. Meade issue has been agreed to by all parties (although a formal stipulation has not yet been executed). A customer workshop in the Englewood case is scheduled for March 26, 1999. That testimony opportunity can be folded into this docket and used as part of the record. Additionally, the prefiled testimony schedule could be modified to accommodate interested parties who desire to participate. Early resolution of this issue and prompt notification of all interested parties of this Motion and potential impacts on areas of concerns will help preserve

⁵The principles enunciated in the rule should guide the full Commission resolution of this motion if necessary. The existing rule provides delegated authority for an individual presiding officer to act without resort to a full panel. In no way does the rule limit the agency's authority to consolidate cases in the interests of justice.

the rights of all parties.⁶

IV. Conclusion.

In the end, the impending exhaust of NXX codes in the 941 NPA dictates that all relevant issues be resolved with certainty, finality and, most of all, concurrently. The Commission has the means to achieve such a result. All parties have important interests in the outcome of these matters. The vital interests of hundreds of thousands of customers, many telecommunications providers including wireless carriers, and the incumbent LECs, will be impacted by this process. All of these interests need to be properly weighed. While the local concerns of communities and customers are important and most likely deserving of a hearing, if demanded, these concerns should not be elevated above those of all current 941 NPA subscribers and providers.

Time has not permitted consultation on this motion with official parties. However, the Ft. Meade area intervenors should not be affected because that issue is effectively stipulated and no parties other than the movants are official parties of record in Dockets 990184-TL and 990223-TL.

WHEREFORE, for the reasons stated herein, The Commission should:

1. Take the appropriate steps to expeditiously consider this motion, including, if necessary, assignment of one prehearing officer to all dockets;

⁶All parties and interested persons listed on the FPSC website have been served with this motion. The Charlotte and Sarasota County Attorney offices will be served as well. Courtesy service by fax will be attempted for all on the service list.

2. Provide notice to all persons not officially listed in the Commission records who are known to be interested in this matter that consolidation is requested and advise them of the time schedule in Docket No. 990223-TL;

3. Grant the motion to consolidate; and

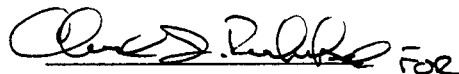
4. Maintain the existing accelerated schedule for the Docket 990223-TL for all consolidated dockets.

Respectfully submitted, this 10th day of March 1999.



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AND



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CERTIFICATE OF SERVICE
DOCKET NO. 981941-TL, 990184-TL & 990223-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail or hand-delivery this 10th day of March, 1999 to the following:

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% Ms. Margo B. Hammar
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Oakview Lake Homeowners
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Fort Meade, Florida 33841

Polk County Board of
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Post Office Box 976
Fort Meade, Florida 33841

City of Ft. Meade
Fritz Behring
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Ft. Meade, Florida 33841-0856

Dr. Willard Coy, Vice-Chair, Area
Planning Board
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Rotonda West, Florida 33947

Englewood Water District
Post Office Box 1399
Englewood, Florida 34295-1399

Olde Englewood Village Assn.
Pam Domres, President
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