

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of tariff filing to introduce N11 service by BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.) DOCKET NO. 920962-TL)
In Re: Petition of PALM BEACH NEWSPAPERS, INC., NEWS AND SUN-SENTINEL COMPANY, AND CAPE PUBLICATIONS, INC. for extended local 976 or equivalent service throughout the service area of SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY.) DOCKET NO. 910049-TL)
In Re: Petition to require local exchange carriers to assign an abbreviated N11 dialing code by INFODIAL, INC.) DOCKET NO. 920913-TL) ORDER NO. PSC-93-0954-PHO-TL) ISSUED: 06/28/93)

Pursuant to Notice, a Prehearing Conference was held on June 21, 1993 in Tallahassee, Florida, before Commissioner J. Terry Deason, as Prehearing Officer.

APPEARANCES:

J. PHILLIP CARVER, Esquire, c/o Marshall M. Criser III, 150 S. Monroe Street, Suite 400, Tallahassee, FL 32301, and DAVID M. FALGOUST, Esquire, 4300 Southern Bell Center, 675 W. Peachtree Street, N.E., Atlanta, GA 30375

On behalf of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company.

PATRICK K. WIGGINS, Esquire, and KATHLEEN VILLACORTA, Esquire, Wiggins & Villacorta, Post Office Drawer 1657, Tallahassee, FL 32302

On behalf of Cape Publications, Inc., News and Sun-Sentinel Company, Palm Beach Newspapers, Inc., and St. Petersburg Times.

RECORDED DATE

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RECORDS/REGISTRATION

ANDREW J. MEYERS, Esquire, Department of Labor & Employment Security, 2012 Capital Circle, S.E., Suite 307, Hartman Building, Tallahassee, FL 32399-2189
On behalf of Florida Council for the Hearing Impaired.

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On behalf of Florida Pay Telephone Association, Inc.

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On behalf of McCaw Cellular Communications of Florida, Inc.

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On behalf of MCI Telecommunications Corporation.

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On behalf of United Telephone Company of Florida.

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On behalf of Infodial, Inc.

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On behalf of Central Telephone Company of Florida

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On behalf of the Commission Staff.

PREHEARING ORDER

I. CASE BACKGROUND

This hearing is to resolve three consolidated dockets involving N11 abbreviated dialing: a tariff filing by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) to introduce N11 service; a petition by Infodial, Inc. (Infdial) to require local exchange companies to assign abbreviated N11 dialing codes; and a petition by Palm Beach Newspapers, Inc., News and Sun-Sentinel Company, and Cape Publications, Inc. (Newspaper Group) for 976 or equivalent service throughout Southern Bell's service area. The Palm Beach Post is currently subscribing to experimental N11 service from Southern Bell.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to

the Court Reporter shall be retained in the
Commission Clerk's confidential files.

Post-Hearing Procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUES NOS.</u>
Martha W. Johnson	So. Bell	All
James T. McKnight	PBNI	All
Thomas Maffetone	Sun-Sentinel	All
Lori Demo	Cape Publications	All
Gregory L. Huffman	Times	All
Richard S. Bell	Infodial	All
Peggy A. Schmidt	FCHI	6
Mike Drew	GTEFL	All
Peter J. Merkle	United	All

<u>REBUTTAL WITNESSES</u>	<u>APPEARING FOR</u>
Martha W. Johnson	So. Bell
James T. McKnight	PBNI
Gregory L. Huffman	Times
Mike Drew	GTEFL

V. BASIC POSITIONS

SOUTHERN BELL'S BASIC POSITION: This Commission should approve Southern Bell's proposed tariff for N11 service as filed. The proposed N11 service is in the public interest because it will facilitate the introduction of new local information services to

the public and because it will put to public use a valuable resource that would otherwise remain unused.

There are currently no substitutes for N11 service, and it is likely that none will exist in the immediate future. It is in the public interest to make N11 service available now so that the public can begin immediately to derive the benefits from this service. While there is certainly the potential that a subsequent FCC ruling will affect the manner in which N11 service can be provided, Southern Bell's proposed tariff contains provisions to modify the offering of the service in any way that may be necessitated by the outcome of the FCC docket.

Southern Bell's N11 service tariff should also be approved because it provides the fairest and most reasonable way in which N11 service can be offered to benefit the greatest number of N11 subscribers as well as the general public. Three prominent features of Southern Bell's proposed tariff offering will help to ensure this result:

One, Southern Bell proposes that the service be provisioned on a basic local calling area basis. Since there are only five available N11 service codes, making these codes available in each local area in which there is sufficient market demand will allow a greater number of N11 subscribers to utilize the service throughout the state.

Two, Southern Bell has proposed an allocation method that represents the fairest and most reasonable method to allocate N11 service codes. Under this method, subscribers who request a service code during an initial 60-day period will receive one unless the number of requests exceeds the number of available N11 service codes. In that event, there would be a lottery to determine which subscribers receive a service code. All participants in the lottery who do not receive a service code would then be placed on a waiting list. Likewise, anyone who subsequently requests the service in a given calling area in which all codes are already in use would also be placed on a waiting list.

Three, Southern Bell proposes to restrict the sale or transfer of N11 codes so that subscribers cannot obtain a service code merely to resell it in an attempt to capitalize on the scarcity of these codes.

Finally, a number of petitions have been filed by parties seeking N11 service on certain terms. This Commission should resolve the issues in those petitions in light of all the issues in this docket. In other words, the action this Commission takes on these particular petitions should be consistent with its general ruling as to the offering of N11 service to all subscribers.

NEWSPAPER GROUP'S BASIC POSITION: N11 service is a good idea because it takes existing but unused network facilities -- the five N11 numbers now available in each local calling area throughout the state -- and allows information service providers to put them to immediate work attempting to satisfy consumer demand for information services. Moreover, N11 service will produce above the line revenues, which will directly benefit the general body of ratepayers. Put to immediate use by qualified information service providers, N11 service will spur the development of other, more plentiful abbreviated access codes, such as #XXX.

N11 codes were designed for local use and N11 services should be provisioned locally. By limiting N11 service to the basic local calling area, the five N11 codes can be used in multiple basic local calling areas by different N11 customers. Statewide or nationwide assignment of N11 codes will limit their use to a very few customers. Moreover, local assignment of N11 codes allows the ESP and other users to make more efficient and effective use of the telephone network.

All LECs technically capable of providing N11 service should be required to do so in those local exchange areas where such service is requested. Allocation of N11 codes should be on a first-come, first served basis with priority established by when the request for service was made to the local telephone company.

The Commission should grant the amended joint petition of PBNI, Cape, and Sun-Sentinel, because of their respective roles in bringing N11 service to fruition and because of their long standing effort to obtain some workable local access service for their respective information services.

INFODIAL'S BASIC POSITION: Making information and enhanced services available in an easy and memorable manner greatly benefits the public. The public is already familiar with N11 codes and the benefits of the abbreviated dialing arrangement.

For instance, in many local calling areas 411 is commonly used as directory assistance and 911 for emergency services. Thus, the public would have little difficulty in adapting to an abbreviated dialing arrangement to access information. An N11 dialing code provides the public with a simple, memorable vehicle for obtaining much needed and much desired information.

N11 service simply takes existing but unused facilities, the five (or six) numbers now available in each local calling area throughout Florida and, at no or little cost to the ratepayers, allows enhanced service providers to put them to work now to attempt to satisfy the public's demand for easy access to information services. As experience with 411 demonstrates, there is no question but that the easy-to-remember and easy-to-call three digit N11 numbers are uniquely suited to making information readily available. In short, N11 presents a no-cost or little cost practical opportunity to make the "Information Age" immediately meaningful to all of Florida citizens.

In short, Infodial seeks the Florida Public Service Commission's ("Commission") assistance to offer the citizens of Florida N11 service, as described in BellSouth's N11 tariff. Infodial seeks the Commission's approval for the assignment of an N11 number.

CENTEL'S BASIC POSITION: Central Telephone-Florida adopts the basic position stated in the Prehearing Statement of United Telephone Company of Florida.

FCHI'S BASIC POSITION: FCHI supports the allocation of two N11 codes for access to relay services. The Americans with Disabilities Act (ADA) of 1990 requires the nationwide establishment of relay services to ensure access to the telephone network for persons who are deaf, hard of hearing, and speech impaired which is functionally equivalent to telephone services available to hearing individuals. The Florida Telecommunications Access System Act of 1991 required the establishment of the Florida Relay Service, which went into operation in 1992; the Florida Public Service Commission has applied for FCC certification of FRS which will ensure that it is in compliance with the ADA regulations. Currently, users of FRS must dial one of two eleven digit numbers to access this service. As other state relay services have various access procedures, all requiring knowledge of specific seven to eleven digit numbers for access to all or part of each state's relay services, relay users

face significant difficulty as they travel from place to place in simply finding out how to access the service. It should be noted that all telephone service customers, both hearing and hearing impaired, are potential users of relay services. Additionally, relay users are unduly burdened by the need to dial eleven digits when three could more closely approximate functionally equivalent access to the telephone network. Reservation of N11 numbers by Florida for access to relay service which are consistent with the two allocated by the State of Hawaii (511 and 711) will serve an important public service which will benefit the public at large.

FPTA'S BASIC POSITION: The current experimental N11 Service by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company prohibits N11 Service for certain classes of service including Public and Semi-Public Coin and COCOTS. The FPTA supports Southern Bell's tariff as written. However, the FPTA does not oppose the expanded availability of N11 Service to its members' pay telephone stations provided that the "211" code is reserved for nonLEC pay telephone providers. "211" is the number currently dialed by end users at nonLEC pay telephone stations to access repair and refund information relating to the nonLEC pay telephone.

GTEFL'S BASIC POSITION: GTEFL believes the Commission should refrain from any expansive N11 policy decisions at this time. The FCC, which has plenary jurisdiction over numbering plan issues, has undertaken a proceeding to determine whether N11 codes will be allocated for non-traditional purposes. Industry efforts are also underway to devise abbreviated dialing arrangements that, unlike the very limited N11 codes, will be available to all information service providers. This Commission should delay any N11 policy ruling pending the conclusion of these FCC and industry processes. In the interim, no party will be prejudiced, since N11 is not needed to provide any information service. In fact, many parties to this proceeding provide information services today by means of seven-digit dialing arrangements. Any additional consumer benefits associated with N11 codes are wholly speculative.

While GTEFL would not support a general policy compelling all LECs to offer N11 service, it recognizes Southern Bell's right to make its own business decisions about what services it will provide. Thus, GTEFL does not oppose Southern Bell's N11 tariff offering for that company's operating areas.

KNIGHT-RIDDER'S BASIC POSITION: No position at this time.

MCCAW'S BASIC POSITION: McCaw Cellular Communications of Florida, Inc.'s ("McCaw"), interest in N11 codes arises as a result of its status as a cellular radio carrier and its assignment or use of certain N11 codes for calls originating on its network through the use of cellular telephones. McCaw has no objection to the provisioning of N11 service by the LECs on reasonable rates, terms, and conditions.

MCI'S BASIC POSITION: N11 codes are a scarce resource that should be assigned on a uniform, national basis. The Commission should defer ruling on the permanent approval of Southern Bell's proposed N11 tariff pending resolution of the FCC's Docket 92-105. In the interim, the LECs should be directed to utilize the billing system modifications developed for Southern Bell's N11 service to create the desired "pay-per-call" billing and collection function in conjunction with other, less scarce, abbreviated dialing patterns in order to satisfy the demand, if any, from the information/enhanced service providers.

PRINT GROUP'S BASIC POSITION:

SPRINT'S BASIC POSITION:

UNITED'S BASIC POSITION: United's basic position is that N11 codes are a scarce commodity. The codes were created as a part of the North American Numbering Plan and the assignments have been administered by that plan on a national basis. Equity in the assignment of the four remaining codes, management of service in adjoining service/company areas and fragmentation of code use are potential problems. No expansion of the use of the codes should be made in Florida until the issues have been addressed and resolved on a national basis.

STAFF'S BASIC POSITION: N11 codes and services are in the public interest where they help proliferate the availability of information services while not interfering with any public interest use of N11 codes or services.

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VI. ISSUES AND POSITIONS

ISSUE 1: For the purposes of this docket, what is the definition of an N11 code or service?

SOUTHERN BELL'S POSITION: An "N11 code" is a three-digit dialing pattern in the N11 format where "N" represents the numbers 2-9. For the purposes of this docket, the term "N11 Service Code" is appropriate to refer to the particular N11 dialing codes that are available for N11 service. These are 211, 311, 511, 711 and 811. N11 service is the specific three-digit dialing arrangement that is proposed by Southern Bell to be made available in selected basic local calling areas to N11 subscribers who would use the service to deliver information to end users by way of voice grade facilities.

NEWSPAPER GROUP'S POSITION: For the purpose of this docket, N11 service should be defined as a local, abbreviated (i.e. 3 digit) dialing arrangement for information delivery by N11 service subscribers via voice grade facilities to end users calling the N11 service subscriber. N11 service includes recording and rating of calls made by end users to the N11 service number. N11 service also includes LEC billing of the end user on behalf of the N11 subscriber.

INFODIAL'S POSITION: N11 is an existing abbreviated dialing service which consists of the numbers; 211, 311, 411, 511, 611, 711, 811 and 911. Currently 411 and 911 are used for directory assistance and emergency services, respectively. The remaining numbers are available for assignment, including 611, which the FCC has indicated its intention to ask the Bell Operating Companies to relinquish such numbers.

If Infodial is assigned 511, the caller will dial 511 and the LECs central office will convert the dialed digits to Infodial's unpublished seven digit telephone numbers.

CENDEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: N11 codes are numbers today used for functions adjunct to basic network services. There are eight possible N11 codes--211 through 911--but GTEFL understands that, for the purposes of this proceeding, 411 and 911 are not to be considered N11 codes.

The term "N11 service" is not equivalent to "N11 code." As noted, N11 code refers to the number itself. N11 service is broader, in that it indicates some tariff offering by a local exchange carrier (LEC) under which entities may obtain N11 codes for their own, competitive use. In this proceeding, Southern Bell has proposed a particular N11 service. Another carrier's N11 service might not have exactly the same characteristics as Southern Bell's version of N11 service.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: Agree with stipulation language.

MCI'S POSITION: An N11 code is a set of digits, established under the North American Numbering Plan (NANP). To date, the NANP Administrator (NANP-A) in conjunction with and under the supervision of the FCC, has established nationwide routing instructions for a few of these codes. The dialed digits 411 evoke routing instructions in the LEC switch to direct calls to LEC directory assistance services. The dialed digits 911 evoke routing instructions in the LEC switch to direct calls to the various emergency services. Presently, the N11 codes-211,311,511,611,711,811 - remain unassigned by the NANP-A and the FCC. That is, there are presently no uniform routing instructions prescribed for these codes.

Southern Bell-Florida (SB-FL) has filed a proposed tariff for a "pay-per-call" service utilizing N11 codes and has denominated this service "N11 Service". This service consists principally of a billing and collection function whereby SB-FL records, rates, and bills/collects a premium charge from the calling party. This billing and collection function is not unlike the billing and collection function performed for 976 services. SB-FL's service also proposes to utilize the remaining unassigned N11 codes. The SB-FL switches will be programmed to translate the N11 code into a "plain old telephone" (POTs) number and direct the call to the called party. Again, this is not unlike the routing performed for 976 services, except that SB-FL

proposes to utilize a scarce and therefore valuable NANP resource - N11 codes.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: For the purposes of this docket, a N11 code is one of the three digit numbers in the series 211, 311, 411, 511, 611, 711, 811, and 911. Codes 011 and 111 are not available due to conflicts with toll dialing arrangements. These codes are commonly referred to as service codes and assigned for specific purposes in the provision of switched telecommunications services. N11 Service for the purpose of this docket is defined in the proposed BELLSOUTH General Subscriber Service Tariff A39.1 N11 Service, A39.1.1 General.

STAFF'S POSITION: An N11 code is an abbreviated dialing pattern consisting of the 3 digit codes 211, 311, 411, 511, 611, 711, 811 and 911. An N11 service is any service provided that is accessed by an end user dialing an N11 code. The services currently provided through the codes 411 and 911 will not be altered by any decisions in this docket.

ISSUE 2: To what extent does the FCC's jurisdiction over numbering plan issues preclude this Commission from exercising jurisdiction over the use, assignment, or recall of N11 codes?

SOUTHERN BELL'S POSITION: The FCC's jurisdiction over numbering plan issues does not preclude this Commission from exercising supervisory power over N11 codes.

NEWSPAPER GROUP'S POSITION: The FCC's jurisdiction over numbering plan issues does not preclude this Commission from exercising jurisdiction over the use, assignment, or recall of N11 codes. Moreover, as the FCC has informed BellSouth, there appears to be no legal or regulatory impediment prohibiting Southern Bell from currently assigning N11 codes in a reasonable, non-discriminatory manner such as first-come, first-served.

INFODIAL'S POSITION: The FCC's jurisdiction over numbering plan issues does not preclude this Commission from exercising jurisdiction over the use, assignment, or recall of N11 codes. The FCC, in response to a petition for declaratory ruling by

BellSouth that asked whether the N11 service could be offered lawfully, determined that there is no legal or regulatory impediment, and decided to take no further action on the petition. See N11 Rulemaking, 7 FCC Rcd at 3004, n. 1. In other words, the FCC has determined that no further action on its part is necessary for carriers to provide N11 service today. The FCC's response has let to N11 tariff filings by BellSouth in three states: Louisiana, Georgia and Florida without any reaction from the FCC. Thus, the FCC has shown that it is reluctant to interfere with state decisions and has given the green light for states to proceed.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: The FCC has stated that it has plenary jurisdiction over numbering plan issues. It is conducting a proceeding to determine whether and how N11 codes should be made available to non-LEC entities for abbreviated dialing. The FCC will explicitly examine "what role, if any, state regulators should have in the allocation of N11 numbers." The Use of N11 Codes and Other Abbreviated Dialing Arrangements, 7 FCC Rcd 3004, 3005 at para. 17 (1992). It is possible that the FCC will decide that the states have no or limited jurisdiction to determine the use, assignment, and/or recall of N11 codes. It will be necessary to wait until the conclusion of the FCC's proceeding to determine to what extent it will preclude this Commission's exercise of jurisdiction over N11 numbers.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: Agree with stipulation language.

MCI'S POSITION: The FCC, in its Notice of Proposed Rulemaking (NPRM) in CC Docket 92-105, noted its plenary jurisdiction over the NANP and numbering plan issues. While the FCC has not indicated to date that it would exercise this plenary jurisdiction in a manner to preclude the state regulatory agencies from exercising jurisdiction, it is clear that the nature of N11 codes, and particularly their scarcity, warrants national treatment.

As noted with respect to the assignment of the codes 411 and 911, historically, N11 codes have been assigned on a uniform, nationwide basis. Absent national assignment, it is difficult to imagine that the code 911, for example, would have evolved to its current ubiquitous use as an emergency number. A "balkanized" or state-by-state determination would effectively preclude subsequent uniform national uses for the unassigned N11 codes, absent recall of the codes by the FCC and NANP-A.

SB-FL's tariff proposal recognizes that the use of these codes is ultimately subject to the jurisdiction of the FCC and NANP-A. The tariff proposal requires all parties to whom an N11 code is assigned to sign an affidavit acknowledging that the N11 codes could be recalled by the FCC and NANP-A and agreeing that the codes must be relinquished within six months of such a decision. Hence, SB-FL recognizes the current tenuous nature of this Commission's jurisdiction to approve a tariff making assignments of N11 codes.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The jurisdictional issue is a legal matter that will have to be addressed in the Brief. Until the FCC establishes a policy on use of the numbers, a determination of the FCC impact on decisions by the Florida Commission is not possible. Numbers and the numbering plan have historically been managed by industry consensus at the national level through the Bellcore North American Numbering plan administrative process. The entire numbering administration process is in transition and is currently under investigation in FCC Docket CC 92-237. During this time of transition the FCC should be the focal point to make the national policy decisions. Further, the Information Industry Liaison Committee, has the issue of N11 code expansion as a pending action item. This Commission should therefore refrain from any expansive rulings on the N11 issue until the national forums reach consensus or resolution.

STAFF'S POSITION: The FCC's jurisdiction would override any Commission decision regarding the use of N11 codes. However, absent an overriding policy by the FCC, the Florida Public Service Commission is free to assign and regulate N11 codes and services.

ISSUE 2a: Should the Commission defer ruling on Southern Bell's proposed N11 tariff or any other issues in this docket until after the resolution of the FCC's investigation in Docket 92-105?

SOUTHERN BELL'S POSITION: No. It is in the public interest to make N11 service available as soon as possible. Southern Bell's proposed tariff contains provisions to modify the offering of N11 service in any way that may later be necessitated by the outcome of FCC Docket 92-105.

NEWSPAPER GROUP'S POSITION: No. N11 codes should be put into use as soon as possible. There is no problem in recalling assigned N11 codes if necessary because of Federal developments.

INFODIAL'S POSITION: The Commission should not defer ruling on Southern Bell's proposed N11 tariff until after the resolution of the FCC's investigation in Docket 92-105. As noted in Issue 2, above, the FCC has not preempted state Commission action. Moreover, the N11 Rulemaking is unlikely to render this proceeding moot. If the FCC adopts its rules as proposed and mandates the availability of N11 codes, N11 Rulemaking at 3005, then this proceeding still will be necessary in order to determine the terms and conditions under which they are offered by LECs for intrastate service. If the FCC adopts no rules, then this proceeding will be necessary in order to determine whether the Commission, on its own authority, should require the LECs to offer N11 Service. In either case, this Commission will retain jurisdiction over significant questions in this matter.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: Yes. As noted in response to Issue 2, there is a very real possibility that the states will be preempted to some degree in their ability to set N11 policy. If this Commission makes a broad policy decision in this case, LECs and this Commission will need to expend significant resources in filing N11 tariffs and instituting service. This effort will be wasted if the FCC circumscribes the states' ability to order particular terms and conditions for the provision of N11 service,

or forbids the service altogether. Substantial consumer confusion will also result if LECs are directed to begin N11 service in a particular way and then that service is withdrawn or altered.

Comments and reply comments have already been filed in the FCC proceeding. All that remains is the decision. While GTEFL does not, as a rule, advocate that this Commission look to the FCC for policy guidance, a wait-and-see approach is warranted in this case. This is particularly true since any information service can be offered today by means of existing dialing arrangements. Thus, the benefits of abbreviated dialing are purely speculative and no party will be harmed if this Commission delays its decision until the FCC acts.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: Agree with stipulation language.

MCI'S POSITION: Yes. Given the current tenuous status of any assignment of N11 codes, the Commission should await resolution of the FCC's Docket 92-105 and defer ruling on the permanent approval of SB-FL's proposed tariff. Such action will avoid the potential customer confusion that would be associated with assigning N11 codes today and having those codes recalled at a later date. The "customer confusion" aspects was one of the cited reasons given by National Association of Regulatory Utility Commissioners (NARUC) in its July, 1992 resolution which urged the FCC to join in a cooperative effort with the states to develop guidelines for the use of N11 codes on a national basis and initiate further inquiry into the expanded use of other abbreviated dialing arrangements.

This Commission should not, however, defer ruling on all other issues in this Docket. As will be discussed in Issue 8, the Commission should direct the development of the desired "pay-per-call" billing and collection function in association with other, less scarce, abbreviated dialing patterns in order to satisfy the demand, if any, from the information/ enhanced service providers.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The allocation of the scarce N11 codes for a new purpose should be addressed and resolved at the national level before this Commission makes a ruling. The efficiencies and consistency within the present numbering plan are there because the allocation and use of the numbers are the consensus on a national level not a state by state decision.

STAFF'S POSITION: No.

ISSUE 3: What are the available and potential alternatives to N11 codes or services? How and by whom should these alternatives be utilized?

SOUTHERN BELL'S POSITION: There are currently no alternatives to N11 service that meet all of the fundamental criteria of this service. There may be alternatives available in the future that meet all of the criteria of N11 service, such as #xxx. These, however, will not be available in the immediate future.

NEWSPAPER GROUP'S POSITION: There are currently no practical equivalent alternatives to N11 service. Newspaper Group believes that ultimately other abbreviated dialing codes (for example, #XXX) will become available. Indeed, introduction of N11 service throughout the state will facilitate the arrival of these alternative arrangements.

No existing service meets the need for access to information service as well as N11 service. For example, 976 service is not generally available throughout the state and, even if it were, limitations on its use make it unsuited to the kinds of service information services would like to provide. As another example, 900 service is both not local and consequently very expensive. Thus it is impossible to offer low cost 900 based information services. As still another example, regular telephone numbers cannot be used for pay-per-cost services like those proposed for N11 numbers.

INFODIAL'S POSITION: Alternative dialing arrangements, such as 976, 900, 950, 555-XXXX, or even seven digit numbers have significant shortcomings and none are capable of providing local-abbreviated-interactive-access to information services in the same way as N11 codes. 976 is local pay-per-call services and is restricted to pre-recorded messages, which makes it useless for Infodial's proposed interactive service. 900 service is intended

for national pay-per-call services and thus the costs related to providing local information services over a 900 service would be prohibitive. 950 service, which is also designed for national use is also unsatisfactory because those numbers are almost depleted, have numerous restrictions and have high costs associated with the service. The 555-XXXX is presently not available and is reserved for "services complementary to directory assistance." Finally, the seven-digit number is not nearly as attractive as three-digit dialing and many non-media-type companies which have attempted to offer Infodial-type service over a seven-digit line have not been successful and many have failed. In sum, local tele-information providers have little incentive to provide service over any of the dialing arrangements discussed above.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: There are many alternatives to N11 codes and services that exist today. Dialing arrangements such as 800/900, 976, and normal 7-digit dialing can be used to offer any service an information services provider (ISP) wishes to provide. In fact, several parties to this proceeding already use existing dialing arrangements to provide various audiotext services. Aside from existing arrangements, various industry fora are working on alternatives to N11 codes. For instance, this issue has been formally submitted to the Information Industry Liaison Committee (IILC) for study and resolution. In addition, Bell Atlantic has proposed a gateway approach, under which consumers could access numerous ISPs through the same N11 code. The objective of the industry efforts is to meet the perceived need for abbreviated dialing with measures that will make such dialing available for all entities who want it, rather than just the few which might be assigned N11 codes. Existing dialing arrangements are available under tariff to any information services provider. GTEFL assumes that any abbreviated dialing codes to be developed will also be available to any entity desiring to provide information services.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: Agree with stipulation language.

MCI'S POSITION: There are several potential alternative abbreviated dialing arrangements, such as the presently unassigned Vertical Service Codes (VSCs), i.e. *XX or *XXX. Recently, work has taken place in the Industry Carriers Compatibility Forum (ICCF) to develop assignment guidelines. VSCs have been traditionally used in the LEC networks to permit customers to invoke "vertical" services such as call forwarding, CLASS services, etc. In November, 1992, the ICCF issued its First Issue of the "Vertical Service Code Assignment Guidelines" Document. This Document establishes guidelines for the assignment of VSCs. BellSouth has solicited information from its switch vendors on pricing and availability of a feature to translate a VSC into a POTs number for routing purposes. (The switch vendors response, if any, is unknown).

N11 "service", on the other hand, has several available and potential alternatives. As discussed in Issue 1, N11 service is simply a "pay-per-call" service, the value of which to an enhanced/information provider is the ability to bill the calling party a premium charge. Both "976" and "900" services presently offer this billing and collection function. Additionally, there are several "potential" alternatives, depending on the dialing pattern denominated.

In BellSouth's March 4, 1992 letter to Mr. James McKnight with Cox Newspapers, BellSouth described its proposed service offering as "essentially a three-digit pay-per-call local dialing arrangement... ." The letter described the switch translation function of translating an N11 code to a POTs number for routing. As to the billing function, the letter indicated that a new rating and recording capability would be developed by modifying the existing AMA process to route recorded data from the switch to a new rating and recording system. From this new system, print ready lines for billing ESP customer messages are sent to a Billing Interface Gateway already available to telemessaging providers. The premium charge would then show up on the calling party's telephone bill.

There appears to be no technical impediment to developing this same system for recording data on end user calls for premium billing purposes where end users have dialed any designated dialing pattern, whether abbreviated (i.e. N11 or *XX) or not (i.e. a designated unused 7 digit code).

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: N11 service as defined for this docket is a three digit local dialing arrangement. Presently, there are no known, currently available network alternatives for ubiquitous abbreviated dialing. In the future, the development of the Advanced Intelligent Network may provide additional abbreviated dialing schemes. The details of these dialing arrangements are still under study. The apparent easy solutions such as the use of the * or # symbols are complicated because these symbols are already in use to activate certain network features, because of billing related problems and because it is inappropriate to design and implement dialing plans which do not comply with the North American Numbering Plan (NANP).

STAFF'S POSITION: No position pending further discovery.

ISSUE 4: As a general concept, is the use of N11 codes or services in the public interest?

SOUTHERN BELL'S POSITION: Southern Bell's proposed N11 service is in the public interest because it will facilitate the introduction of local information services, and because it will put to public use an unutilized resource.

NEWSPAPER GROUP'S POSITION: Yes. N11 service is a good idea because it takes existing but unused network facilities--the five N11 numbers now available in each local calling area throughout the state--and at no cost to the ratepayer, allows information service providers to put them to work now attempting to satisfy consumer demand for information services. Moreover, N11 service will produce above the line revenues which will also benefit the general body of ratepayers.

INFODIAL'S POSITION: The use of N11 codes or services is in the public interest. N11 will give consumers quick, easy memorable access to new and innovative services that might not otherwise be available. N11 codes will make it easier for consumers to reach and use the services without concerns about presubscription or preexisting relationships with information service providers. The consumer convenience will enhance the viability of independent information service providers, putting them closer to

an equal footing with the local exchange companies and spurring competition.

In today's society, access to information is becoming increasingly more important. On-line computer information services such as Prodigy or Compuserv, are simply too expensive to be accessible to the general public. Telephones, on the other hand, are familiar, user-friendly, inexpensive, omnipresent and presents the easiest, most efficient way to provide information to all Florida residents.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: GTEFL believes that existing and potential uses (such as for telecommunications relay services) of N11 codes for services adjunct to basic local service are in the public interest. GTEFL does not, however, believe that mandating the allocation of N11 codes to ISPs comports with the public interest. There is only a handful of arguably available codes, so claims of increased ISP competition are dubious. As stated previously, N11 codes are not necessary to provide any information service.

In its deliberations on the public interest aspects of new N11 uses, the Commission must also keep in mind the possibility for recall of N11 codes allocated for competitive uses. All area codes have been allocated, and a new national numbering scheme will not become effective until 1995. The North American Numbering Plan Administrator (NANPA) and the FCC have recognized that N11 codes may need to be used as area codes in the interim. This potential for recall figured into the NANPA's recommendation against assignment of N11 codes to an ISP.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: Agree with stipulation language.

MCI'S POSITION: The use of N11 codes on a uniform, nationalized basis is in the public interest. The use of N11 codes in conjunction with the "pay-per-call" service proposed by SB-FL is

not in the public interest since N11 codes represent a scarce national resource and other dialing arrangements could be utilized for "pay-per-call" services offered to enhanced service/information providers.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The actual use of the N11 code is the determining factor on whether the assignment of the code is in the public interest. If the code is used for nationally recognized applications which provide a public benefit such as 411, 611, 811 or 911 the use is in the public interest. The recognized standard use of those codes is as follows: 411 is directory assistance, 611 is used for subscriber trouble reporting, 811 is used for subscriber access to the Business office, and 911 is used for Emergency reporting. The use of N11 service codes to provide access to additional services through abbreviated dialing is not in the public interest. There are too few N11 codes available, too great a potential for customer confusion (a great potential for inconsistent applications between nearby locations), the lack of national consensus on the subject and questions regarding the possible unauthorized avoidance of LEC access charges by non-enhanced service providers. The scarcity of available codes (only four) makes it virtually certain that demand will outstrip supply. Because of the very limited scope of the N11 resource, the assignment of the available N11 codes for abbreviated dialing purposes other than universally recognized national public interest applications is inappropriate.

End users have become accustomed to associating the N11 codes with specific services. Customers appreciate the uniformity of dialing 411, and 911 nationally. Likewise many customers are familiar with the use of 611 for repair and 811 for the local exchange company business offices. The assignment of N11 codes for purposes other than those for which the codes are now used would cause significant customer confusion as they travel across the United States and Florida. In the local calling areas jointly served by two or more local exchange companies, the opportunity for customer confusion increases dramatically. The increased usage and customer confusion expected with the use of N11 for abbreviated dialing will also increase the amount of misdialed/misdirected traffic.

The decision to use N11 codes for abbreviated dialing purposes raises important public policy issues. N11 codes and other NANP resources are expected to be in increasing demand because of the surge in both existing and new telecommunications applications (i.e., Centrex, fax, pager, cellular services, PCS/PCN and abbreviated dialing for information services) and because N11 codes are easy to remember and use. The N11 codes are an extremely scarce numbering resource. With the impending exhaustion of NPAs in the NO/1X format, the use of N11 codes for additional NPA use has been suggested.

STAFF'S POSITION: Yes.

ISSUE 5: If the use of N11 codes is in the public interest, how should N11 services be provisioned? Where should they be offered? Who should be required and/or permitted to offer the services?

SOUTHERN BELL'S POSITION: N11 service should be provisioned on a basic local calling area basis. This service should be offered in the local calling areas in Southern Bell territory where sufficient market demands exists. Also, Any LEC that files a tariff to offer N11 service should be permitted to do so.

NEWSPAPER GROUP'S POSITION: N11 services should be provisioned locally. N11 codes are well suited for local assignments. The current configuration of telephone network routes N11 calls to locations within the local calling area. The current uses of N11 codes -- notably directory assistance, repair and emergency service calls -- are all local in nature. Indeed, BellCore standards recognize this nature of N11 codes by explicitly reserving them for local use.

There are only five N11 service codes in Florida (211, 311, 511, 711, and 811). By limiting N11 service to the basic local calling area, these five codes can be used in multiple basic local calling areas by different N11 customers. If the services are offered on a wider basis the codes can be assigned to far fewer customers. Moreover, local assignment of N11 codes allows the ESP and other users to make more efficient and effective use of the telephone network.

All LECs technically capable of providing N11 service should be required to do so in those local exchange areas where such service is requested.

INFODIAL'S POSITION: N11 codes should be assigned on a local exchange basis. In any local exchange area, eight N11 numbers exist. In most area codes, 411, 611 and 911 are used for directory assistance, repair and emergency services, respectively. This leaves five N11 codes, 211, 311, 511, 711 and 811 (however, 811 is sometimes used for customer service) not currently in use, although the FCC has indicated its intention to retrieve 611 and 811 for non-LEC use. N11 codes are ideally suited for local use, as evidenced by and 411, 611 and 911, which are currently utilized on a local calling basis. In fact, the standard telephone network reference specifically recognizes the local nature of N11 codes by explicitly reserving them for such use. See BOC Notes on the LEC Networks - 1990, section 3.2.4 (1991). Thus, by assigning N11 numbers on a local exchange basis, assuming five available N11 numbers times three local exchange areas, twenty-five N11 numbers would be available for assignment to companies.

Furthermore, Infodial believes that the allocation of N11 numbers should be based on first-come, first-served to the Commission.

CENDEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: Access to N11 services via 211, 311, 511, 711, and 811 codes should be prohibited at LEC and nonLEC pay telephone stations.

GTEFL'S POSITION: As noted, GTEFL does not believe that a broad policy decision forcing LECs to allocate N11 codes for competitive uses is in the public interest, particularly when the issue remains unsettled at the federal level. The Commission may, however, determine that LECs that wish to provide the service should be permitted to do so. Services would then be offered in the territories of LECs who file and gain approval of N11 tariffs. The provision of N11 service should remain a business decision, rather than a requirement for all LECs.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: N11 services should be provided by the LECs where facilities and demand reasonably permit.

MCI'S POSITION: N11 codes should be assigned on a uniform, national basis. Pay-per-call services for enhanced service/information providers should be offered by all LECs in whose service territory there exists a demand for such billing and collection services.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: If, contrary to United's recommendation, the Commission should allow the use of N11 codes for abbreviated dialing, the Commission must first make a determination as to which N11 codes are in fact available and where they are available. Secondly, a clearly defined set of guidelines to allocate the scarce N11 codes in a reasonable and nondiscriminatory manner should be established. Allocating N11 codes based on methods, such as, first come, first served, is clearly unreasonable as well as discriminatory. National companies may be interested in the use of N11 codes who are not currently participating in the Florida investigation because they consider the assignment of N11 code to be an issue to be resolved on the national level. Except for the 305 NPA, there are multiple local exchange companies providing service in the other NPA areas in Florida (407, 813, and 904). Also due to the extended local calling areas, any local calling scopes include service provided by multiple local exchange companies. Nothing in the allocation process should give a subscriber of one company privilege or favor over a subscriber in other companies' territories.

The frequent possibility of overlapping local service areas and multiple company provisioning of N11 abbreviated dialing service are two reasons that if N11 abbreviated dialing services are to be offered, similar services should be assigned similar N11 codes. As was previously stated, end users become accustomed to specific N11 codes being used for specific purposes. A given N11 code should be assigned for a specific use and used in the provision of that secondary service in various local service areas throughout the state.

N11 abbreviated dialing service should be limited to local service areas in order to prevent toll and access billing problems.

STAFF'S POSITION: No position pending further discovery.

ISSUE 6: Should any N11 codes be reserved for special purposes? If so, for what purposes should they be reserved?

SOUTHERN BELL'S POSITION: Reserving one or more N11 service codes for "special purposes" decreases the benefit of N11 service to both other N11 subscribers and the general public. Therefore, this Commission must strike a balance between the needs of customers who would benefit from the reservation of N11 codes for special purposes and of the needs other N11 subscribers and those of the general public.

NEWSPAPER GROUP'S POSITION: No. Some participants have suggested alternative use of N11 codes is supposedly superior to local abbreviated dialing. A neutral review of these proposed alternatives demonstrate that none of them would serve the public interest. Almost all the alternatives share a single fault: there's no particular reason to use N11 codes for the purposed. Moreover, most of the proposals would take years to implement, by which time other approaches could easily be made available.

Alternative uses that have been proposed include:

- Using N11 codes as prefixes for longer numbers. This would allegedly allow N11 to be used for nationwide access. However, there is no advantage of this approach over existing 800, 900, and 950 services, which already are available for nationwide use. Moreover, none of these approaches meet the need for easy local access that N11 proposal answers.
- Reserving N11 codes for use as area codes. The availability of interchangeable NPAs on January 1, 1995 will end the current shortage of area codes. Moreover, use of N11 codes as area codes in one or two places this would not preclude their local use elsewhere.

- Using N11 codes as national abbreviated dialing codes. This use would accrue to the benefit of only a handful of entities. Further, by the time that national N11 codes could be implemented, other arrangements like #XXX could be made available for national assignment.
- Using N11 as information service gateways. This use offers no meaningful advantage over individual seven-digit numbers for each information service provider. Gateways make sense for computer services where they can take the place of complex logged on sequences but there is no comparable saving in telephone services. For voice services a gateway would be no more convenient than dialing a seven-digit number.
- N11 codes for "public interest" functions, such as non-emergency police calls. There appears to be no basis for the proposition that the general public needs both emergency and non-emergency abbreviated access to police, fire, and other public services.
- Using N11 codes for LEC internal uses. Some LECs have suggested that N11 codes be reserved for their internal uses. For example, 811 could be used for access to the LEC's business office. There is however, no special public interest benefit to reserving the use of N11 codes to the LEC; rather, these uses would be merely for LEC convenience.
- Using N11 services for telecommunication relay services for the hearing impaired. N11 codes are not practical access codes for nationwide relay services because they are designed for local use. N11 numbers cannot be used to establish uniform nationwide access to relay services without expensive and time consuming network reconfiguration. Uniform access to relay services could be

better accomplished through alternatives that are generally available through the country. For example either 800 numbers or numbers in the almost unused 555 exchange could be assigned nationwide for access to relay sources and they would be much less expensive to implement because they would not require switch modifications.

INFODIAL'S POSITION: While Infodial is in favor of the hearing impaired receiving an abbreviated access code, the suggested plan for a national hearing impaired N11 number is years away. Alternative abbreviated dialing services, known as vertical access (or service) codes, could serve the hearing impaired. Vertical service codes, like a national N11 number may take years to develop. hence, it would be better to track the vertical service codes with a national hearing impaired service rather than let N11 lie fallow for years.

Numerous entities are capable of providing N11 service today. Thus, letting an N11 number lie fallow for years would not be in the public interest.

CENDEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: N11 codes are a scarce public resource that should be reserved for access to underlying network functions that serve a universal social purpose and that benefit the public at large. FCHI recommends that 511 be reserved for access to voice initiated relay services and that 711 be reserved for access to TDD initiated relay services in order to ensure that telephone relay services are more functionally equivalent to telephone services available to persons without those disabilities, as is required by the Americans with Disabilities Act, Title IV.

Currently, relay users in Florida, including persons who are hearing, deaf, hard of hearing, and speech impaired, must dial one of two eleven digit numbers to access relay services. The numbers are different for voice initiated calls and TDD initiated calls, and are not easily available to the general public. A recent survey of local telephone companies in Florida by PSC staff indicates that at least four do not currently publish the FRS access numbers in their directories. Of those which do

publish the numbers, they are not consistently located in the telephone books. Six do not publish instructions on the usage of FRS. Two do not provide the number through directory assistance services even if the caller knows the name of the relay service, and four could not provide the number if a nonspecific request was received.

The federal mandate for functional equivalency suggests that access to relay services should be uncomplicated and, to the greatest extent possible, universally consistent. In fact, the Federal Communications Commission, in issuing its order establishing regulations for relay services subsequent to the ADA, stated: "We encourage state systems and all other relay providers to use numbers that are easy for consumers to remember and would further the goal of nationwide access.." Report and Order at para 42.

Hawaii and Canada have already allocated 511 and 711 for relay access; the National Center for Law and Deafness, et.al., have submitted a formal request to the North American Plan Numbering Administrators and have submitted comments to the Federal Communications Commission in CC Docket No. 92-105 requesting assignment of these two N11 numbers for access to relay service. (See FCHI Exhibit No. 1)

FPTA'S POSITION: If access to LEC provided N11 service via 211, 311, 511, 711, and 811 codes is permitted at LEC and nonLEC pay telephone stations, the "211" code should be reserved for nonLEC pay telephone providers. End users currently dial "211" at nonLEC pay telephone stations to obtain repair and refund information.

GTEFL'S POSITION: GTEFL believes that all N11 codes should be reserved for purposes that will best benefit the public at large. These include uses such as telecommunications relay services (TRS), which will facilitate access to the local network. A request has been made for allocation of two N11 codes for voice and text TRS. In response, GTE's Hawaiian operation will implement 511 and 711 for TRS use in July of this year, and there are plans to extend these uses to the mainland. GTE companies have consistently advocated use of N11 codes for TRS use in regulatory proceedings throughout the country. It is also worth note that Canada is using the 511 and 711 codes for TRS.

Other potential uses of N11 codes for broad public benefit are mentioned in the direct testimony of Peter J. Merkle, on behalf of United Telephone Company of Florida. These include civil defense reporting during a major emergency, updated public status reports following such a disaster, directory assistance in support of growing electronic mail services, and access to public information gateways.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: No. Any special purposes for N11 codes should be national in scope. Therefore, this Commission is an inappropriate forum for reserving any N11 codes for special purposes.

MCI'S POSITION: N11 codes should be assigned on a uniform, national basis. If there are "special purposes" for which N11 codes should be assigned, it should be decided on a national basis.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: Yes, all N11 codes should be reserved for use as determined by a national policy determination. The N11 codes are a scarce national commodity and assignment of the remaining codes would preempt any future use of these codes for public policy purposes. Five such possible uses include civil defense reporting during a major emergency, updated public status/information reporting following such a disaster, National access to the telecommunications relay services, access to directory assistance in support of growing electronic mail services and access to public information gateways. While some parties advocate reserving the right to take back N11 numbers for public use, the economic costs to the N11 subscriber and the ensuing customer confusion caused by the change make this alternative unattractive.

STAFF'S POSITION: No position pending further discovery.

ISSUE 7: How should N11 codes be allocated?

SOUTHERN BELL'S POSITION: Southern Bell has proposed a fair, reasonable and non-discriminatory mechanism for allocating N11 codes and it should be approved. If the service code requests made during an initial offering period do not exceed the N11 service code availability, then codes will be allocated to all N11 subscribers requesting them. If the requests during this period exceed the availability of codes, then all customers submitting requests within this initial period would automatically participate in a lottery to determine who receives the codes. All subscribers who participate in the lottery but do not receive service codes, as well as all persons who request a service code after the initial period, would be placed on a waiting list.

NEWSPAPER GROUP'S POSITION: The Commission should adopt the following set of assignment principles:

- Assignment should be on a first-come-first-served basis with priority established by when the request for service was made to the local telephone company.
- After the supply of numbers is exhausted, other parties requesting numbers should go on a waiting list.
- Requests for N11 numbers should be considered only if they are based on local calling areas rather than statewide.
- No party should be entitled to more than one N11 number in any local calling area.
- If a party obtains N11 numbers in a contiguous group of local calling areas, Southern Bell should assign the same number to that party throughout its service area.
- Any party receiving an N11 number should be required to put it into service within a specified time and should be required to keep the number in service.
- Parties requesting assignment of an N11 number must demonstrate their genuine

financial condition to operate N11 service for a period of one year assuming that all of their N11 requests within the state are granted.

INFODIAL'S POSITION: Infodial suggests that the allocation method recommended by the FCC --first-come, first-served -- presents the fairest method because it rewards those entities who have put forth time, energy and resources to make N11 available to the public.

Infodial submits that first-come, first-served to this Commission is the fairest, most objective procedure for allocating N11 codes. While some parties have filed requests with LECs, Infodial's decision to seek this Commission's guidance, in the first instance, is based on public policy concerns. N11 is a public resource owned by the people of Florida. The Commission, as the sole representative of the people in matters of this kind, is charged with the duty of protecting the peoples' public resource, to harness that resource, to make certain that it is used for the public good, and to promote competition in the field of information services. The LECs do not own this public resource. If they did, serious conflict of interest issues arise. In most states the LECs provide directory assistance through the N11 dialing code 411. These LECs intend to broaden their information services some even under N11. Obviously, the LECs have a self-interest in how or if the N11 numbers get assigned, who can have access to them, and the types of services that would appear over N11. Hence, giving the LECs the power to assign N11 codes would be like asking the fox, who is guarding the henhouse, whether other foxes can have a chicken.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: If the Commission decides that N11 codes should be allocated to ISPs, it must establish non-discriminatory assignment rules that do not involve the LEC in choosing who will get the few available codes. The allocation method should be as equitable as possible. This condition is difficult to meet,

since requests for N11 codes will almost certainly exceed the supply. For this reason, a gateway may be a viable approach. One or two codes would be used as gateways to reach numerous ISPs. All ISPs would thus receive any perceived advantages of abbreviated dialing.

Whatever allocation method is established, it must be designed to minimize network-associated costs, directory changes, and customer confusion. Costs associated with assignment, recall, and reassignment should be borne by the cost causer, the ISP requesting and/or using the code. A sufficient time period for code reassignment and directory listing must also be provided.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: N11 codes should be allocated on any reasonable, nondiscriminatory basis.

MCI'S POSITION: N11 codes should be allocated on a uniform, national basis on a "first come-first served" basis.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The N11 codes are a function of the design nationally accepted North American Numbering Plan. The codes should not be allocated and used in Florida before the national policies can be thoroughly examined and tested. There is no allocation methodology available which will allow a fair and appropriate allocation of the remaining N11 codes for commercial purposes.

STAFF'S POSITION: No position pending further discovery.

ISSUE 7a: If N11 codes are made available, should restrictions be placed on the transfer, sale, or use of the codes?

SOUTHERN BELL'S POSITION: Yes. An N11 service subscriber should be prohibited from transferring or selling its service code to any unaffiliated entity. Also, if multiple N11 subscribers become affiliated, through a merger or otherwise, then they

should be required to surrender within six months of the affiliation all except one N11 service code.

NEWSPAPER GROUP'S POSITION: Yes, subscribers to N11 service should be restricted from selling or transferring the N11 service number to an unaffiliated entity either directly or indirectly. Restrictions on transfer and assignments will help to prevent speculation in N11 numbers. This purpose is well served by prohibiting sale of their N11 numbers for profit.

INFODIAL'S POSITION: Yes. N11 codes should not be freely transferable. However, it should not limit an N11 service from enhancing its service through joint ventures, mergers or acquisitions.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: Yes. As a scarce public resource, N11 codes should not become a commodity that can be sold or otherwise transferred. The Southern Bell tariff appropriately forbids sale or transfer of N11 numbers.

With regard to restrictions on use of the codes, GTEFL believes that Commission guidelines similar to those used for 900 and 976 numbers might be applied to N11 code usage. However, it would be inappropriate and infeasible to place LECs in the role of "telephone police" responsible for actively monitoring and censoring transmissions over its network. The firm using the N11 code is the properly responsible party for the messages it disseminates.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAWE'S POSITION: Agree with stipulation language.

MCI'S POSITION: N11 codes should be assigned on a uniform, national basis. If any restrictions are to be placed on the transfer, sale, or use of the codes, it should be decided on a national basis.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: Yes. With such a rare commodity, it is important, that anyone requesting the allocation be prepared to immediately use the number themselves. No one should be allowed to contest for an allocation for the purpose of obtaining the number as a marketable asset or for strategic competitive purposes. When the original use of the number is concluded, N11 code should be surrendered to the controlling numbering plan administrative authority, i.e. NANP. Resale or transfer of the rights to the use of the N11 codes should not be permitted.

STAFF'S POSITION: No entity should be allowed to sell or transfer any N11 code to another party.

ISSUE 8: Should Southern Bell's proposed tariff filing introducing N11 Service be approved?

SOUTHERN BELL'S POSITION: Yes. Approval of Southern Bell's proposed tariff is in the public interest. This tariff will meet specific customer demand for the service and promote the availability of new services to the public by using an otherwise unutilized resource.

NEWSPAPER GROUP'S POSITION: No, Southern Bell's proposed tariff should not be approved as is. Although Southern Bell deserves recognition for its initiative and vision in filing the tariff and bringing this important service to the market, there are certain changes needed. These include the following:

- N11 calls to the end user should be billed on the monthly bill on an aggregate basis just as is done for 411 service.
- Restrictions on N11 advertising should be no greater than those imposed on 976 and 900 rules by Commission rules.
- Access to N11 service should not be prohibited by class of service (e.g. to public and semi-public coin phones; COCOTS; hotels, motels, and hospital services) if the

subscribers to these other classes of service request access via N11.

- The method for allocating N11 service method should be changed to first-come-first-served, rather than the lottery method currently proposed. (Please see position under Issue 7.)

INFODIAL'S POSITION: The tariff should be approved in all respects, except for the allocation of the N11 numbers, which, as stated earlier, allocation decisions needs to be made by the Commission.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: Yes, provided that access to Southern Bell's N11 Service via 211, 311, 511, 711, and 811 codes continues to be prohibited at Southern Bell Public and semi-Public Coin pay stations, and at COCOTS'pay stations.

GTEFL'S POSITION: GTEFL believes each LEC has the right to make its own business decisions about what services it will offer. As such, it does not oppose approval of Southern Bell's N11 Service tariff. GTEFL cannot, however, support any broad policy requiring all LECs to provide an N11 service.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: McCaw has no objection to the proposed tariff as filed.

MCI'S POSITION: No. As discussed in Issues 2 and 2a, the Commission should not take action to approve Southern Bell's proposed tariff to utilize N11 codes for its "pay-per-call" service but should defer action on this matter until a determination by the FCC in Docket 92-105. As discussed, SB-FL's own tariff defers permanent assignment of N11 codes pending FCC action in that Docket.

Rather, the Commission should continue the present "experiment" and direct Southern Bell to utilize the billing

system modifications developed for its "N11 service" to create a pay-per-call service based on some other unassigned dialing arrangement. If there is an independent demand for pay-per-call services utilizing abbreviated dialing arrangements, this Commission should take the lead in directing the development of vertical service codes for this purpose.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The Commission should first determine the appropriate action regarding the use and allocation of the N11 codes based on the record in this docket. The determination as to whether the tariff should or should not be approved should be based on that decision.

STAFF'S POSITION: No position pending further discovery.

ISSUE 9: What action should the Commission take on the petition by Palm Beach Newspapers, Inc., Sun-Sentinel Company, and Cape Publications, Inc. for N11 service?

SOUTHERN BELL'S POSITION: This petition has been subsumed within this docket, and the relief requested in this petition must be considered in light of the resolution of all issues in this docket.

NEWSPAPER GROUP'S POSITION: The petition by Palm Beach Newspapers, Inc., Sun-Sentinel Company and Cape Publications, Inc. for N11 service should be granted. Even if the Commission approves the allocation of N11 numbers by lottery, the Commission should directly award the petitioners N11 service in their respective local calling areas.

The pioneering effort of Cox is directly responsible for this service being offered to the public. Thus it would be manifestly unfair to allow some other entity the fruits of these efforts while denying them to PBNI, Cox's subsidiary.

Similarly, it would be unfair to deny N11 service to Cape and Sun-Sentinel while affording it to others in their territories. In essence, N11 service is a workable solution to the access problem brought to the Commission's attention when

petitioners file their joint 1991 petition for a 976 look-alike service that could serve as an access mechanism for voice information services. As the Commission is aware, the "976 solution" became unworkable, forcing the parties to find another approach: N11 service. After preliminary groundwork by Cox established the viability and legal availability of N11 service, Cape and Sun-Sentinel requested such service and then, with PBNI, amended their joint "976 petition" to request as relief N11 service.

Southern Bell's later filing of the N11 tariff was a constructive response to the specific request of its customers, and, in a sense, Southern Bell's filing of the tariff provided the relief requested in the joint petition. In fact, Southern Bell's tariff would render moot the parties' joint petition, except for the fact that the lottery allocation method may provide the requested relief to customers other than petitioners while denying N11 service to petitioners. Given the background of this case, it would be unfair and inappropriate to provide the remedy long sought by Cape and Sun-Sentinel to some late applicant for the service while denying it to them.

INFODIAL'S POSITION: Because the entities properly filed their petitions for the assignment of an N11 code with the Commission and because they are one of the first to do so, they should be entitled to an N11 numbers.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: All of these companies' publications serve areas located within Southern Bell territory. The information services they wish to provide would also presumably serve those same areas. If the Commission approves Southern Bell's tariff, these companies will have the opportunity to obtain N11 service under the terms of that tariff. The petitions will thus become moot upon approval of the tariff. If the companies neglect to withdraw the petitions at that point, the Commission should dismiss them upon its own motion.

If the Commission does not approve Southern Bell's tariff and determines that no N11 service shall be offered, the petitions should be denied.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: The petitions should be granted to the extent consistent with the final order in this docket.

MCI'S POSITION: As stated in Issue 8, the Commission should defer any action on requests for N11 service pending a determination by the FCC in Docket 92-105.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The Commission should first determine the appropriate action regarding the use and allocation of the N11 codes based on the record in this docket. The determination as to whether the tariff should or should not be approved should be based on that decision.

If the Commission should decide to allow the use of N11 codes for abbreviated dialing, the conditions determined in this proceeding should be used to allow all parties an opportunity to subscribe to the service.

STAFF'S POSITION: No position pending further discovery.

ISSUE 10: What action should the Commission take on the petitions by Phoneformation, Inc., American Tele-Access, Inc., and Infodial, Inc. for statewide assignment of an N11 code?

SOUTHERN BELL'S POSITION: Those petitions have been subsumed within this docket, and the relief requested in those petitions must be considered in light of the resolution of all issues in this docket.

NEWSPAPER GROUP'S POSITION: No position at this time.

INFODIAL'S POSITION: Infodial's because that because it properly filed its petition for an N11 code with the Commission and because Infodial is also one of the first to do so, Infodial

should be entitled to an N11 number. Infodial will however seek to amend its petition to request an N11 number on a local exchange basis. Infodial believed, when it initially filed its petition, that statewide assignment of an N11 dialing code was possible. However, soon after the petition was filed, Infodial learned that N11 is only technically available on a local exchange basis.

CENTEL'S POSITION: Central Telephone-Florida adopts the position of United Telephone Company of Florida.

FCHI'S POSITION: None.

FPTA'S POSITION: No position.

GTEFL'S POSITION: The petitions of these Minnesota companies (which GTEFL believes to be under common ownership) should be denied. If Southern Bell's tariff is approved, these companies will have the opportunity to request N11 service in Southern Bell's exchanges. The availability of the service in other parts of the state should depend upon whether particular LECs chose to offer N11 service in their areas.

KNIGHT-RIDDER'S POSITION: No position at this time.

MCCAW'S POSITION: The petitions should be denied, but they can seek service from the LECs consistent with the final order in this docket.

MCI'S POSITION: As stated in Issue 8, the Commission should defer any action on requests for N11 service pending a determination by the FCC in Docket 92-105.

PRINT GROUP'S POSITION:

SPRINT'S POSITION:

UNITED'S POSITION: The Commission should first determine the appropriate action regarding the use and allocation of the N11 codes based on the record in this docket. The determination as to whether the tariff should or should not be approved should be based on that decision.

If the Commission should decide to allow the use of N11 codes for abbreviated dialing, the conditions determined in this

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proceeding should be used to allow all parties an opportunity to subscribe to the service.

STAFF'S POSITION: No position pending further discovery.

VII. EXHIBIT LIST

<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
James T. McKnight	JTM-1	<u>Vol. I:</u> Letter from Mr. James T. McKnight to Mr. B. Franklin Skinner, President, Southern Bell, August 30, 1991

<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
James T. McKnight	JTM-2	<u>Vol. I</u> : Letter to Mr. James T. McKnight from Mr. B. Franklin Skinner, September 9, 1991
		Letter from Mr. James T. McKnight to Mr. Thomas Hamby, Asst. V.P. BellSouth Services, September 25, 1991
		Letter to Mr. Jim McKnight from Ms. Carmen Marin, Marketing Development, BellSouth Services, October 28, 1991. Attachment: ESP Request for New ONA Capabilities BellSouth
		Letter from Mr. James T. McKnight to Ms. Carmen Marin, October 30, 1991
		Letter to Mr. James T. McKnight from Ms. Carmen Marin, November 13, 1991. Attachment
		Letter from Mr. James T. McKnight to Ms. Carmen Marin, November 19, 1991
		Letter to Mr. James T. McKnight from Mr. Robert Capell, III, November 25, 1991
		Letter from Mr. James T. McKnight to Mr. Robert Capell, III, November 27, 1991
		Letter from Mr. James T. McKnight to Mr. Robert Capell, III, February 5, 1992

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<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
James T. McKnight	JTM-2	Letter to Mr. James T. McKnight from Mr. Robert Capell, III, March 4, 1992
		Letter from Robert R. Conners, District Manager., NANP Administration, to Ms. E.W. Stevens, Operations Manager, BellSouth, January 6, 1992, Attachment
		Letter from Mr. James T. McKnight to Mr. Walt Weyand, Staff Manager, ONA Market Development, BellSouth, March 6, 1992
		Letter to Mr. James T. McKnight from Mr. Walt Weyand, March 24, 1992
		Letter from Mr. James T. McKnight to Mr. Robert Capell, III, April 3, 1992
		Letter to Mr. James T. McKnight from Mr. Robert Capell, III, April 14, 1992
		Letter to Mr. James T. McKnight from Mr. Robert Capell, III, May 11, 1992
		Letter to Mr. James T. McKnight from Mr. Robert Capell, III, June 9, 1992. Attachment: General Subscriber Tariff, Effective August 8, 1991

<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
James T. McKnight	JTM-3	<u>Vol. I</u> - Letter from Mr. Tom Giuffrida, Publisher, Palm Beach post to Mr. Joseph Lacher, President, Southern Bell, February 18, 1992
	JTM-4	<u>Vol. I</u> - FCC Filings in Response to Southern Bell Petition for Declaratory Ruling on N11 Numbers
	JTM-5	<u>Vol. II</u> - Letter from Robert L. Pettit, General Counsel, FCC, to David J. Markey, V.P. Federal Regulatory, BellSouth, May 4, 1992
	JTM-6	<u>Vol. II</u> - Second Amended Petition for Relief, Docket No. 910049-TL, July 9, 1992
	JTM-7	USA TODAY, Wednesday, October 28, 1992, Page B1. <u>The Wall Street Journal</u> , Tuesday, October 27, 1992, Page B7. <u>The New York Times</u> , Tuesday, October 27, 1992, Page D5. <u>The Washington Post</u> , Wednesday, October 28, 1992, PP. G1 and G10
	JTM-8	<u>Vol. II</u> - Excerpt from Administrative Session Before the Georgia Public Service Commission, May 4, 1993
	JTM-9	<u>Vol. II</u> - Comments of Cox Enterprises, Inc., Before the FCC, June 5, 1992
	JTM-10	<u>Vol. II</u> - Reply Comments of Cox Enterprises, inc. Before the FCC, July 13, 1992

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<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
James T. McKnight	JTM-11	<u>Vol. II</u> - Letter from Mr. Robert L. Pettit to Mr. David J. Markey, October 2, 1992
Gregory L. Huffman	GLH-1	Letter to Mr. Joseph Lacher, President Southern Bell, December 14, 1992
	GLH-2	Letter to Mr. Fred Lawrence, President United Telephone of Florida December 14, 1992
	GLH-3	Letter to Mr. Gerald K. Dinsmore, President GTE Florida/FLTCO100 December 14, 1992
	GLH-4	Letter to Mr. Andrew P. Corty, Marketing Director St. Petersburg Times, from GTE Florida January 29, 1993
	GLH-5	Letter to Mr. Andrew P. Corty, from Bell South January 12, 1993
	GLH-6	Letter to Mr. Andrew P. Corty, from Bell South February 2, 1993
	GLH-7	Application of Times Publishing Company for N11 Service
	GLH-8	Letter to Mr. Walter Weyand, Southern Bell May 13, 1993
	GLH-9	Letter to Mr. Andrew Corty, from United Telephone of Florida
	GLH-10	Letter to Mr. George K. Rahdert, from GTE April 21, 1993

<u>WITNESS</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
Richard S. Bell	RSB-1	Cox Enterprises, Inc.'s Proposed Order Finding the Interim Assignment of N11 Numbers to Be in the Public Interest, Adopting Procedures For the Interim Assignment of N11 Numbers and Establishing a Docket to Spur Immediate Development of More Plentiful Abbreviated Dialing Arrangements
Peggy A. Schmidt	PAS-1	Reply comments of the National Center for Law and Deafness <u>et. al.</u> in the matter of the use of N11 codes and other abbreviated dialing arrangements, FCC Docket No. 92-105

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

After the prehearing conference, the parties agreed to the following stipulation language which is included in the prehearing order with the prehearing officer's permission.

ISSUE 1. For the purposes of this docket, what is the definition of an N11 code or service?

An N11 code is a three-digit dialing pattern consisting of 211, 311, 411, 511, 611, 711, 811, and 911. Currently, 411 and 911 are reserved nationally by the North American Numbering Plan (NANP) for directory assistance and emergency services, respectively. In addition, 611 and 811 have been assigned by the NANP for repair service and business office use, respectively. 611 and 811 may be used by local exchange companies (LECs) for those purposes at the LEC's option. If a LEC elects not to use 611 or 811, they may be

used for other services. For the purposes of this docket, an N11 service is any service provided that is accessed by dialing an N11 code other than 411 and 911.

ISSUE 2. To what extent does the FCC's jurisdiction over numbering plan issues preclude this Commission from exercising jurisdiction over the use, assignment, or recall of N11 codes?

The FCC, in its Notice of Proposed Rulemaking (NPRM) in CC Docket 92-105 has noted its plenary jurisdiction over numbering plan issues and allocation of N11 codes. Comments and reply comments have been filed with the FCC in that docket. To date, the FCC has entered no ruling that precludes this Commission from allowing LECs to make N11 codes available. There is the potential that a subsequent FCC ruling will affect the manner by which N11 service can be provided. Southern Bell's proposed tariff contains provisions to modify the offering of the service in any way that may be necessitated by the outcome of CC Docket 92-105.

ISSUE 2a. Should the Commission defer ruling on Southern Bell's proposed N11 tariff or any other issues in this docket until after the resolution of the FCC's investigation in Docket 92-105?

No. With the provisions stated in Issue 2, the Commission need not defer ruling on Southern Bell's proposed N11 service offering.

ISSUE 3. What are the available and potential alternatives to N11 codes or services? How and by whom should these alternatives be utilized?

Currently the only direct substitute for N11 service as proposed by Southern Bell is a regular seven-digit number with pay-per-call and billing and collection services added on. Various forums are working on potential substitutes for N11 service codes. These potential substitutes should be utilized as they become available to replace any N11 services offered.

ISSUE 4. As a general concept, is the use of N11 codes or services in the public interest?

Yes.

ISSUE 7a. If N11 codes are made available, should restrictions be placed on the transfer, sale, or use of the codes?

Yes. No N11 codes shall be sold, leased, or otherwise transferred by any N11 subscriber. Each entity and its affiliates shall be allocated only one N11 code per local calling area. If multiple N11 subscribers become affiliated, they must relinquish all codes but one in each local calling area within 90 days of the affiliation.

ISSUE 10. What action should the Commission take on the petitions by Phoneformation, Inc., American Tele-Access, Inc., and Infodial, Inc. for statewide assignment of an N11 code?

These petitions should be denied. These entities will have ample opportunity to request service in any local calling area they wish and be allotted an N11 code under the conditions set forth in the rest of this docket.

IX. PENDING MOTIONS

None.

X. RULINGS


1. Southern Bell's April 9, 1993, Motion for Clarification of Rule 25-4.110(10)(a), Florida Administrative Code, or Alternatively, for Waiver of the Rule will be brought to an Agenda Conference and issued as a Proposed Agency Action.
2. Infodial's May 21, 1993, Motion for Leave to late prefile direct testimony of Richard S. Bell was granted.

3. Infodial's June 1, 1993, motion for leave to late file prehearing statements was granted.
4. Florida Council for the Hearing Impaired's June 4, 1993 Motion for Leave to Late File Prehearing Statement was granted.
5. Florida Council for the Hearing Impaired's June 4, 1993 Motion for Leave to Late File Direct Testimony of Peggy A. Schmidt was granted.
6. Florida Pay Telephone Association's June 11, 1993, Motion to Accept Prehearing Statement was granted.
7. Participation of the Print Group and Sprint shall be limited by the terms set forth at page 3 of the prehearing order for failure to file a prehearing statement.
8. Participation of Knight-Ridder shall be limited by the terms set forth at page 3 of the prehearing order for filing an untimely prehearing statement unaccompanied by a motion, and failing to participate in the prehearing conference.

It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Chairman J. TERRY DEASON, as Prehearing Officer, this 28th day of June, 1993.


J. TERRY DEASON, Chairman
and Prehearing Officer

(S E A L)

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request:

- 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer;
- 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or
- 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.