

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of) DOCKET NO. 941272-TL
numbering plan area relief for) ORDER NO. PSC-95-1048-FOF-TL
305 Area Code by BellSouth) ISSUED: August 23, 1995
Telecommunications, Inc. d/b/a)
Southern Bell Telephone and)
Telegraph Company.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
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JOE GARCIA
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FINAL ORDER APPROVING IMPLEMENTATION OF A GEOGRAPHIC SPLIT
TO PROVIDE NUMBERING PLAN RELIEF FOR THE 305 AREA CODE

BY THE COMMISSION:

I. BACKGROUND

The North American Numbering Plan (NANP) was introduced in 1947 by AT&T. The NANP governs the assignment and use of telephone numbers in North America and other World Zone 1¹ Countries. The plan is based on a destination code in which each main telephone number in the NANP is assigned a specific address or destination code. The destination codes are commonly referred to as telephone numbers. NANP telephone numbers are in a 10 digit format, consisting of a 3-digit Numbering Plan Area (NPA) code, a 3-digit Central Office code, and a 4-digit station address code. The NPA code is commonly known as the area code and the Central Office Code is commonly referred to as an NXX code. BellCore is currently the code administrator with the responsibility of assigning area codes within the NANP. Generally, the Regional Bell Operating Company (RBOC) or large independent in a specific area code is responsible for the assignment of central offices codes within that NPA. These entities are required to follow guidelines approved by Bellcore and the telecommunications industry while assigning either NPAs or Central Office Codes.

In the late 1950s it became apparent that NPAs were being assigned at a rate significantly higher than originally anticipated. Out of that early concern came a plan to expand the supply of numbers through the introduction of interchangeable codes. The introduction of interchangeable codes modifies the format previously used for the area codes and the central office codes. The previous format of the area codes was N,0/1,X while the central office code format was N,N,X.² Currently, the interchangeable area codes and central office codes take the format of N,X,X. The industry began the implementation of interchangeable

¹World Zone 1 Countries consist of Anguilla, Antiqua and Barbuda, Commonwealth of the Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Canada, Dominican Republic, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Turks and Caicos Islands, Trinidad and Tobago, and the United States of America, including Puerto Rico and the Virgin Islands.

²N is defined as any number from 2 through 9 and X is defined as any number from 0 through 9.

Central Office codes in 1974. In January 1992, Bellcore notified the telecommunications industry that interchangeable NPAs would be introduced in early 1995. Prior to the introduction of interchangeable NPAs, the NANP had 160 NPAs which provided a total of 1.28 billion available telephone numbers for assignment. The introduction of the interchangeable NPA codes provided an additional 640 NPAs which provide a total of 6.4 billion telephone numbers available for assignment.

The instant proceeding was initiated by petition filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) on December 12, 1994. The petition seeks review and approval of a plan to provide relief from the impending exhaustion of numbers available for assignment in the 305 area code. Southern Bell, as code administrator, has the responsibility of assigning numbers within the 305 area code to code holders³. Normally, code holders within the area code are able to arrive at a consensus as to which plan should be implemented prior to an area code exhaust. However, in this case the wireless code holders, cellular and paging companies, did not agree with Southern Bell's original proposed relief plan. The petition requested review of five possible plans for relieving the 305 area code and a determination of the plan that would best serve the public interest. The plans proposed by Southern Bell for review are as follows:

1. Geographic Split
2. New Growth Overlay
3. Phase-In Overlay
4. New Growth Overlay with Voluntary Assignment
5. Geographic Split with Delayed Overlay

These plans were developed and discussed at two industry meetings held in Ft. Lauderdale by the 305 code holders. After lengthy discussions, the parties were unable to arrive at a consensus as to which plan should be implemented. As a result, Southern Bell filed its petition.

In addition to presenting the various plans for review, Southern Bell asked the Commission to approve its preferred plan, the Phase-In Overlay. This plan would commence with wireless code holders' growth being assigned to the new NPA (954), followed by migration of the existing 305 wireless customers to the new NPA.

³Code holders include those entities that issue telephone numbers to their customers incident to providing telecommunications services, e.g. cellular telecommunications companies and paging companies.

A final step in this plan would be the assignment of wireline growth to the new code when Southern Bell had used all available 305 NXX codes. The plan provided for the migration of all pager customers to be complete by December 31, 1995. Since the migration of cellular customers would require reprogramming of cellular telephones, the schedule for cellular companies would be spread over five years, completing the cellular migration in January of 2000.

On January 19, 1995, a workshop was held to discuss the parties' preferences among the proposed plans. At the workshop, the 305 code holders agreed to a revised version of the proposed New Growth Overlay identified above which would eventually be the overlay plan proposed by Southern Bell in this proceeding. However, certain of the parties objected to an overlay based on concerns that an overlay would hinder the emergence of competition in the local telephone market.

By Order No. PSC-95-334-FOF-TL, issued March 10, 1995, the Commission proposed to adopt a geographic split to provide relief from the exhaustion of numbers in the 305 area code. The split was drawn essentially at the Dade and Broward County lines. On March 20, 1995, Southern Bell protested the Order and requested a formal hearing on the appropriate relief plan for the 305 area code. We conducted service hearings in Miami and Ft. Lauderdale on April 24, 1995 to solicit public input as to the appropriate relief plan for the 305 area code. The technical portion of the hearing was held on May 17, 1995.

II. INTRODUCTION

Commissions across the country struggled over the past two years with the issue of whether a geographic split or some form of area code overlay is the most appropriate method of providing relief from the exhaustion of telephone numbers within an area code. This proceeding is the first in which we have been faced with making a determination as to which relief plan should be implemented in Florida to relieve an area code from impending exhaust. From the record in this proceeding, we have before us two different relief plans. The first plan is a geographic split at the north boundary of the North Dade exchange. This boundary approximates the boundary between Dade and Broward Counties. The second, is an overlay of the existing 305 area code with the new 954 area code.

Each plan has inherent advantages and disadvantages as discussed in greater detail below. Upon consideration of the

record in this proceeding, we find that a geographic split is the better choice to provide relief from the exhaustion of telephone numbers available for assignment in the 305 area code.

III. SELECTION OF AREA CODE RELIEF PLAN

A. Available Relief Plans

The Industry Carriers Compatibility Forum Guidelines identify three possible alternatives to provide relief to the 305 area code: a geographic split, a boundary realignment, and several variations of an overlay. The guidelines state that a geographic split by definition is when the exhausting NPA is split into two geographic areas, leaving the existing NPA code to serve, for example, an area with the highest customer density. This method divides areas by jurisdictional, natural, or physical boundaries between the old and new NPAs. A geographic split has been the relief plan of choice for virtually all NPA relief situations prior to 1995. NPA splits have occurred with enough frequency so that technical aspects have been addressed and established implementation procedures are generally understood. Public education and acceptance of the process have been made easier because of the numerous NPA splits that have occurred.

For a boundary realignment, the guidelines require that the NPA requiring relief is adjacent to an NPA within the same state or province, which has spare Central Office code capacity. A boundary shift occurs so that spare codes in the adjacent NPA can be used in the NPA requiring relief. As a result, the geographic area of the exhausting NPA shrinks, and the geographic area of the NPA with spare capacity expands. Only the customers in the geographic area between the old and new boundaries are directly affected by this change. This method is viewed as an interim measure because it tends to provide a shorter term relief than when providing a new NPA code.

An overlay occurs when more than one NPA code serves the same geographic area. In an NPA overlay, code relief is provided by opening up a new NPA code within the same geographic area as the NPA(s) that requires relief. Numbers from this new NPA are assigned to new growth on a carrier neutral basis, i.e. first come first served. Mandatory customer number changes within the affected overlay relief area are eliminated. With the overlay relief method, 10 digit dialing is technically required for all some of the affected customers' local calls, those that are interNPA. Since the overlay relief method could result in unequal dialing for those customers served out of the overlay NPA, mandatory 10 digit dialing is recommended for all NPAs encompassed

in the overlay at the time of implementation of the overlay. The overlay method reduces or eliminates the need for customer number changes like those required under the split and realignment methods. It also allows the option to eliminate the permissive dialing period as a part of implementation. This method will necessitate ten digit dialing of local calls between the old and new NPAs as Central Office codes are implemented in the new NPA.

The parties in this proceeding generally agree with the guidelines, except for the possibility of a boundary realignment being a possible alternative for relief in the 305 area code. While a boundary realignment is technically possible, no party supports this solution. Moreover, the record indicates that a realignment is not practical for the circumstances we have before us. Accordingly, we will give no further consideration to a boundary realignment in this case. The remaining plans, a geographic split and an overlay, are further analyzed below.

B. Criteria for Analyzing Area Code Relief Plans

The parties have advanced numerous criteria to establish a framework for analysis of the area code relief plans. The criteria to be considered appears to fall into four categories with multiple subcategories. Listed below are the categories and subcategories that we find appropriate to utilize in reaching our decision in this case. In addition, the criteria are listed in the order of relative importance that we find most appropriate in making a determination as to the appropriate for the relief of the 305 area code.

1. Competitive Concerns:
 - a. impact on the development of local exchange competition;
 - b. favor or disadvantage to particular industry segments or groups of consumers;
 - c. favor or disadvantage one technology or another.
2. Impacts to Customers:
 - a. customer confusion;
 - b. changes to customers telephone numbers;
 - c. effects on any a community of interest;
 - d. implementation costs of the plan;
 - e. changes in the customers' dialing patterns;
 - f. adequate time for customer education.

3. Impacts to Carriers
 - a. implementation costs of the plan;
 - b. availability of numbering resources to code holders on an efficient and timely basis.

4. Length of Area Code Relief
 - a. efficient use of numbering resources in both the short and long term;
 - b. allowance for more future options for area code relief in the 305 area;
 - c. prior to exhaust of the 305 NPA;
 - d. allowance for an appropriate permissive dialing period.

Throughout the hearing, parties have proposed and supported advantages or disadvantages of a particular relief plan. However, no party has claimed that its approved specific criteria were either exclusive or exhaustive. Moreover, we believe that all the concerns of customers and carriers alike should be considered in the development of a relief plan for the 305 area code.

With respect to our ordering of the criteria in terms of weight and importance in reaching our ultimate conclusion, Section 364.01 (4)(g), Florida Statutes states, "The Commission shall exercise its exclusive jurisdiction to ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint." This provisioning section, as well as the bulk of the recent changes to Chapter 364, emphasizes the Legislative intent to promote competition in the local exchange market. Therefore, we believe this should be the highest priority of the Commission when selecting a relief plan. We view the possible impacts to customers as the next most important criteria and weigh it only slightly less in terms of priority than competitive concerns. We place the impacts to carriers as the third highest priority. Although we have every desire to minimize the impact on carriers of any action taken in this proceeding, these companies are more capable of handling the changes that are required than the general body of customers, provided they are given adequate time. The length of area code relief is fourth in order of priority. We do not seek to unduly minimize the importance of this criterion, but we view the length of a relief plan as secondary to competitive concerns, effects on customers and effects on carriers.

C. Analysis of the Proposed Plans

The parties to this proceeding are fairly evenly divided on the question of which plan, a geographic or overlay, is more

appropriate. Southern Bell, in conjunction with the wireless code holders, supports an overlay plan. The group of wireless code holders includes BellSouth Mobility, Inc. (BMI); the Florida Mobile Communications Association (FMCA); PageNet, Inc. and PageNet of Miami, Inc. (Pagenet); and McCaw Communications of Florida, Inc. (McCaw). Those parties advocating a geographic split are the Florida Cable Television Association (FCTA); Sprint Communications Company (Sprint); Teleport Communications Group, Inc. (Teleport) and MCI Telecommunications Corporation (MCI). There is general agreement among the parties as to certain features of each of the two plans. These are listed in terms of advantages and disadvantages of the respective plans. For the overlay proposal, we find the following advantages and disadvantages:

Advantages of Overlay Plan

1. Customers in Broward County can retain their telephone numbers.
2. Customers are required to change advertisements containing 305 area code telephone numbers.
3. Cellular carriers are not required to reprogram their customers' cellular telephones.
4. Costs to customers and carriers are minimized.

Disadvantages of Overlay Plan

1. There will be dialing disparities for local calls if ten-digit dialing is not required for all local calls.

For the geographic split plan, we find the following advantages and disadvantages:

Advantages of Geographic Split

1. 7-digit dialing would remain for all local calls.

Disadvantages of Geographic Split

1. 10-digit dialing is required for ECS calls between Dade and Broward counties.
2. Customers in Broward County must change the area code portion of their telephone numbers.
4. Customers must change advertisements which included the 3-digit area code in the advertisements.
5. A short permissive dialing period.

In addition to the advantages and disadvantages listed above, we must also evaluate the parties proposals according to the criteria set forth above.

1. Competitive Concerns

Several parties have argued that the overlay proposed by Southern Bell will disadvantage new providers of local exchange service when local exchange competition begins. The parties have expressed no competitive concerns with the geographic split since all carriers would have equal access to 954 and 305 numbers.

a. Development of Local Exchange Competition

Three competitive concerns were identified by various parties as affecting the development of local exchange competition with the overlay plan. First, the proposed overlay plan does not provide access to 305 telephone numbers which are available to existing code holders. Second, the proposed overlay will have dialing disparities between customers with 305 telephone numbers and 954 telephone numbers. Third, it would be impossible to overcome the stigma that will be attached to being placed in the inferior NPA.

The continual availability of 305 telephone numbers from existing code holders for future use, while other local exchange competitors will have to use 954 telephone numbers, raises some concerns. These concerns stem from the allegations of possible "warehousing" of 305 numbers prior to the advent of local competition in order to provide continued availability of 305 numbers for. In addition, there are concerns regarding existing code holders access to ordinary churn numbers, those 305 numbers which become available due to disconnects of service by current customers.

Teleport's witness Kouroupas argues that new competitors' customers will only be assigned 954 telephone numbers due to the warehousing of 305 telephone numbers by Southern Bell. Southern Bell categorically rejects any notion that it has "warehoused" any 305 NXX codes. The record clearly shows that several existing code holders including Southern Bell will be using the 954 NPA next year. We have reviewed Southern Bell's recent assignments of 305 NXX codes to itself, as well as some of the assignments to the wireless carriers, and it does not appear that Southern Bell has warehoused any 305 telephone numbers. However, the data filed by some of the wireless carriers indicates that there may be some NXXs being assigned for reasons other than the exhaust of all other NXX codes within a 6 months timeframe. Any such assignments would be contrary to the requirements of the Central Office Guidelines when jeopardy measures are in effect. All carriers requesting a NXX code during a jeopardy status must attest that their existing codes within a specific switching entity will exhaust within 6 months of

the date of the application for the code. Although it does appear that some NXX codes were assigned to wireless carriers which may have violated the jeopardy requirement discussed above, we cannot determine with any certainty, absent a detailed audit, that the wireless carriers have or have not warehoused 305 numbers. Even if the problem exists, it does not appear to be of any significant magnitude.

The other method of retaining 305 numbers by existing code holders is through number churn. As pointed out by Southern Bell, number churn varies by NXX. Southern Bell's witness Stacy states that business number churn is less than residential number churn. PageNet's witness Jackson states that the paging industry's churn in South Florida is probably higher than 3% or 4% a month. This type of churn rate will equate to approximately 300 to 400 available 305 numbers per month. It appears that the wireline churn would be less than 3% or 4% since a larger portion of wireline customers use numbers for service to a permanent residence. Notwithstanding the low rate of churn, it appears that churn will eventually give existing code holders additional 305 numbers on a regular basis that can be used for customers in the South Florida area.

Southern Bell argues that the recently enacted statutory requirement for interim number portability will alleviate the concerns of access to 305 telephone numbers for both existing and new customers since it would allow competitors the ability to port a LEC customer's telephone number to the new competitor. Teleport's witness Kouroupas argues that an overlay should only be implemented in an area when true number portability is implemented.⁴ We generally agree with Southern Bell's assertion that number portability either interim or permanent will provide access to 305 numbers. However, there are questions associated with number portability that create a competitive disadvantage for new entrants. This occurs by virtue of the added cost of number portability placed on the new entrants in providing local service that is not imposed on the existing code holders. The provision of interim number portability pursuant to newly enacted Section 364.16(4), Florida Statutes, carries with it a price for the service. We note that the statutory requirement of providing number portability is reciprocal no matter whether to a new LEC or an existing LEC, but initially it would be a cost only to the new

⁴True number portability is at present a conceptual idea based on the use of a computer database that can recognize a customer's "portable" telephone number and translate that number into a geographic telephone number for routing and termination of a call.

entrant since Southern Bell currently has virtually all of the customers. In addition to the added cost of number portability on new entrants, Southern Bell's witness Stacy argues that the Commission should address the access to 305 churn numbers in the Commission's current number portability proceeding. We agree with Southern Bell that the access to churn numbers should be considered in the number portability proceeding.

The second question regarding impact to the development of local exchange competition identified by the parties is whether there is dialing disparity that will exist if Southern Bell's proposed overlay is implemented. Since Southern Bell's proposal does not include the implementation of 10-digit local dialing when local exchange competition becomes possible on January 1, 1996, the overlay appears to have some dialing disparities for new carriers' customers with 954 telephone numbers. Because of technical requirements, all interNPA local calls can be completed only by dialing 10 digits, the NPA followed the seven-digit local number. IntraNPA calls may continue to be completed by dialing the traditional seven-digit local number. For example, a Southern Bell customer who wants to dial a local business which has a 305 telephone number. The Southern Bell customer would dial a 7-digit telephone number while a new competitor's customer which has a 954 telephone number would have to dial 10 digits to get to the same 305 business.

Most parties acknowledge the dialing disparity and state that it could be corrected with the implementation of 10 digit local dialing for all local calls when local competition is allowed. We note that even the NPA Code Relief Planning Guidelines recognize that there are dialing disparities for those customers served under an overlay where mandatory 10-digit local dialing is not present. We further note that notwithstanding the parties' argument of dialing disparity between old carriers and new carriers, the dialing disparities are between customers with 954 numbers and customers with 305 numbers, regardless of whether these customers receive service from Southern Bell or another LEC. We note also that Southern Bell does not directly propose 10 digit local dialing. However, the company does state that a 15 month permissive dialing period should be implemented for 10 digit local dialing if the Commission orders mandatory 10 digit for all local calls.

Finally, some parties, Teleport particularly, argue that it would be impossible to overcome the stigma of being placed in an overlay when trying to get customers to take their service since the only numbers that the new LEC could issue would be 954 numbers. Southern Bell's witness Stacy did not want to speculate on whether

an overlay would create such a stigma. However, PageNet's witness Jackson stated that the marketing significance of any particular NPA tends to be a fleeting thing. In support of his claim witness Jackson used the California 310 NPA as an example. In his example the people of California were reluctant to give up their 213 telephone numbers when the new 310 NPA was created in Los Angeles at the end of 1991. Witness Jackson pointed out that after less than three years, the 310 numbers were somehow transformed from undesirable to prestigious. We would note that "prestige" from witness Jackson's example is in the context of a geographic split, not an overlay. However, we agree with witness Jackson's conclusion that the stigma, if any, will decrease over time. Furthermore, we do not believe there will be a stigma associated with the new NPA due to the fact that most customers of new competitors that initially receive 954 numbers will more than likely be business customers which generally are more concerned with price of a service. In addition, the ability of a new carrier to receive ported 305 numbers, should minimize any stigma associated with customers choosing a new competitor in an overlay environment.

b. Favor or Disadvantage to any Particular Industry Segment or Group of Consumers

A geographic split inherently treats all customers within the geographic territory covered by an NPA equally with respect to an overlay. Apart from the competitive concerns discussed above which address the industry segment of this question, Southern Bell's witness Stacy agrees that a new customer would not be treated the same as an existing business customer in an overlay environment due mainly to the dialing disparities for a business with a 954 number and a business with a 305 number. This is the same dialing disparity disadvantage discussed above. Again we note that requiring 10-digit dialing would eliminate this disadvantage.

c. Favor One Technology or Another

Although MCI and Southern Bell identified this as a criteria that should be utilized in evaluating a relief plan, no party presented any evidence outside the concerns listed above that would show that the overlay plan favored one technology over another.

Conclusion Regarding Competitive Concerns

The record is clear that there are no adverse effects on competition that flow from a geographic split. With respect to an overlay, the record indicates that some competitive concerns arise

under an overlay. However, the record is insufficient to demonstrate that an overlay, as proposed, is inherently anticompetitive.

Initially there could be some preference by customers to receive a 305 telephone number versus a 954 number. However, it appears that this will be a diminishing factor in the development of local exchange competition in South Florida. Access to 305 telephone numbers is a concern for new local exchange providers under an overlay plan in South Florida. Although it appears that these companies will have access to 305 numbers via an interim number portability solution, there are some competitive disadvantages for new entrants if an overlay is implemented. First, the cost of the number portability is a cost only borne by the new entrant since the LEC will initially have most of the customers. Second, there is no process established that will provide new entrants with access to churn numbers. Further, under an overlay, unless mandatory 10-digit dialing is required for all local calls, there would be a dialing disparity between a customer with a 305 number and a customer with a 954 number. The competitive concerns with implementing an overlay are not insurmountable. A mechanism can be developed where new entrants will have access to 305 churn numbers. Number portability, interim or permanent, will provide the access the legislature intended. In addition, the dialing disparities can be corrected with the implementation of 10 digit local dialing. Moreover, it does not appear that either plan favors or disadvantages one technology over another. Therefore, it does not appear there is any severe impediment to the development of local exchange competition with the implementation of an overlay.

2. Impacts to Customers

The degree to which customers are affected by the different plans becomes more important in determining an appropriate relief plan since there do not appear to be any insurmountable competitive concerns with either a geographic split or an overlay plan if 10 digit local dialing and number portability are required. The impacts of either plan will vary by class of customer.

a. Customer confusion

Parties' arguments as to which plan will cause the most customer confusion seemingly depend on which plan the party supports. The level of confusion is the most difficult to evaluate since there has not been a great deal of Florida specific information presented as to the preference of residential

customers. It is evident from the positions of the parties in this proceeding that there will be some customer confusion no matter which relief plan is implemented. The parties claiming that the geographic split will generate the most customer confusion point to the very short permissive dialing period, one month, in which to educate customers on the split. In contrast, the permissive dialing period for the implementation of mandatory 10 digit dialing for the overlay is proposed to be 15 months. As pointed out by our staff's witness Widell, the actual exhaust of the 305 area code may likely be in March or perhaps May of 1996 instead of November 1995 as claimed by Southern Bell. A March or May exhaust date would equate to a permissive dialing period of 7 - 9 months for a geographic split, assuming the permissive dialing period begins one month after our determination of the appropriate plan. Although it does not appear probable that the exhaust date of the geographic split could be extended until May of 1996, due to factors which will be discussed later, it does appear that a January 1996 exhaust date is likely with the possibility of having to implement some certain extraordinary measures such as rationing. Although a January exhaust date does not meet the minimum permissive dialing period of 6 months identified by Southern Bell's witness Stacy, it does not appear that either plan will meet this objective if 10 digit local dialing for the overlay plan is implemented in January when local competition is possible.

It is clear from the record that a geographic split has been the chosen alternative for practically all NPA relief situations prior to 1995. Southern Bell's witness Stacy states that NPA splits have occurred with enough frequency so that the technical aspects have been addressed and the established implementation procedures are generally understood. Witness Stacy also states that the customers of Broward County would understand a geographic split better than an overlay since these customers experienced the 407 geographic split in the 1987 timeframe. It has been pointed out in this proceeding that one of the principal aspects which would create customer confusion for the overlay plan would be the fact that customers could potentially have multiple lines with different area codes in their homes as well as their businesses. This aspect of the overlay was also considered undesirable by a business customer at the service hearing. In addition to this concern, since customers in the 305 area code have never been faced with an overlay, any requirements for 10 digit local dialing will be very confusing to customers. Mandatory 10 digit dialing for all local calls would only spread the confusion faster and more widely.

We are concerned by the lack of input by the residential community in this proceeding even though we held service hearings

in South Florida. Southern Bell's witness Stacy indicated that Southern Bell did not conduct a study to compare the relative customer confusion which may result from an overlay versus a split. Instead the company relied on comments by its customers after the overlay plan was publicly announced. It was clear at the service hearings held in this proceeding that the business customers preferred the overlay to the geographic split. Their preference appeared to be based on the cost to their respective businesses and not on the customer confusion inherent in having multiple telephone numbers with different area codes in the same residence or business. Neither did the business community focus on the potential of mandatory 10 digit dialing for some or all local calls. The issue of costs to customers will be addressed later in this section.

There was very little testimony specifically from Florida residential customers. However, studies performed in other jurisdictions were presented in this proceeding. These studies give some insight into the general preference of residential customers between an overlay and a geographic split. One of the studies which was performed by the Taylor Group, Inc. for Southern New England Telephone in Connecticut, evaluated whether customers in Connecticut preferred a geographic split, a new growth overlay as proposed by Southern Bell or a service specific overlay similar to the one rejected by the FCC proposed for the Chicago area. This study showed that 57% of residential customers and 60% of business customers surveyed chose the geographic split while only 16% of the residential customers and 12% of the business customers chose an overlay similar to Southern Bell's proposed overlay.

Southern Bell's witness Stacy attempted to discount the results of the Taylor study since the study did not propose to split a strong community of interest such as he argues is present in South Florida. Although witness Stacy states that the study did inform the customers of where the split would occur, it appears from the survey that the customers were not informed as to specifically where the geographic split would occur, but instead were only given the general facts associated with an overlay or a split. In an additional attempt to discount the study, Southern Bell's witness Stacy states that the study obtained a small percentage majority for a geographic split. We note that the survey contained three options. Witness Stacy's claim of only a small percentage majority would be true if you made the assumption that every customer in the survey that desired a Service Specific

Overlay would prefer any type of an overlay to a geographic split.⁵ We note that the majority of the 22% of the residential customers and 26% of the business customers that chose the Service Specific Overlay chose the geographic split as their second option. Although it does not appear that the results of this study can fully predict the preferences in Florida for business customers, there does not appear to be any reason to believe the residential portion of this study would not hold true in Florida. The study identifies some of the same concerns raised in this proceeding. In addition, it appears that the dialing patterns, such as 7 digit dialing are also the same as the South Florida area. Therefore, we find that the study can be utilized as a reasonable indication of residential perception when determining which plan is more confusing.

The second study was identified by PageNet's witness Jackson. This study was performed by Ameritech in connection with its relief options for the 708 NPA in the suburban Chicago area. Witness Jackson states that the study demonstrates that with appropriate education, telephone customers will accept an overlay with 10-digit dialing. We agree with witness Jackson's assertion, that given time, telephone customers can adapt to basically any relief plan. However, as stated above, customers are going to have to adapt to mandatory dialing of some type on January 1, 1996 no matter which plan is approved. The Ameritech study shows that the main focus for residential customers in Chicago is the longevity of the relief plan. The customers in the study wanted to see at least a 10 -15 year life span for the relief plan. It is interesting to note that although witness Jackson believes customers would accept an overlay with 10 digit local dialing if the appropriate education is provided, consumers in Chicago, both residential and business, mounted severe opposition to an overlay similar to the overlay proposed by Southern Bell in this proceeding.

Upon consideration of the above, we find that the potential for customer confusion is greater with the overlay relief plan because of the possibility of having multiple numbers with different area codes in a home or business and the move from 7 digit to 10 digit dialing for some or all local calls. This potential for confusion is born out by the studies reviewed in this proceeding as well as the testimony that we did receive from residential customers.

⁵The Service Specific Overlay is where only a specific service, such as cellular, is assigned to the new NPA. The FCC has determined that this type of overlay is discriminatory and cannot be utilized to provide area code relief.

b. Changes to customer's telephone numbers

There does not appear to be any dispute in this area. All parties have indicated that the geographic split will require a change in the NPA of the telephone numbers for all of the customers in Broward County, while the overlay will not require number changes for any customers. In addition to the number changes, cellular customers must return their telephones for reprogramming. This will create a significant problem for these consumers if their telephones have not been reprogrammed by the end of the permissive dialing period for the geographic split. BMI's witness Brown states that it would take a permissive dialing period of at least 1 year to complete the conversion of BMI's customers' telephones. As discussed below, it will be possible to provide the cellular carriers, as well as the alarm companies, with at least a year of permissive dialing.

c. Effect on community of interest

Southern Bell's witness Stacy argues that there is a strong community of interest between Dade and Broward counties which would be divided with the implementation of the geographic split plan. Southern Bell supports its claim with two observations. First, the company states that hundreds of thousands of individuals commute each day from their homes, to work, to school or to shop. Second, the company claims that the Commission determined that there was a significant community of interest across the proposed boundary in the Dade-Broward ECS docket. In addition to these claims, business customers at the service hearings stated that the geographic split would divide a strong community of interest that they have been building for years.

As mentioned by Southern Bell's witness Stacy, we generally addressed the issue of whether there is a community of interest in several Extended Area Service (EAS) cases filed by either Dade County or Broward County or both. In order to support a finding of a community of interest pursuant to our EAS rules there must be traffic volumes on the toll route in question of at least 2 messages per access line per month and a distribution of at least 50% of the customers make 2 or more calls per month to qualify for flat rate local calling. Those routes that do not meet the traffic volume standards but have sufficient traffic volume to suggest a community of interest are granted the \$.25 hybrid toll relief plan. Of the 40 routes examined within and between Dade and Broward Counties, not a single route qualified for flat rate local calling. The only routes that received the \$.25 hybrid plan were North Dade/Ft. Lauderdale, Miami/Hollywood/ and Miami/Ft. Lauderdale. These routes were given the \$.25 hybrid plan as part of the

stipulated settlement of the Southern Bell Rate Case. See Orders Nos. PSC-95-0061-FOF-TL and PSC -94-0918-FOF-TL.

Notwithstanding the lack of a community of interest sufficient to meet our EAS rules, there was substantial testimony that indicated that customers in the 305 area code perceive the area to be a single economic and social entity. Based on this testimony, we find that an economic community of interest will be divided by a geographic split.

d. Implementation costs

Once again there does not appear to be any significant dispute as to what the costs will be for customers for either a geographic split or an overlay. Listed below are the major items that will be a cost to customers for both plans.

Geographic Split

1. Business customers will have to change stationary, business cards and any other advertisements that show the area code on the advertisement.
2. Service companies will be required to reprogram a significant number of automatic dialing instruments, including fire and intrusion alarms.
3. Cellular customers will have to take their cellular telephones into a service center to be reprogrammed.
4. Business customers must have their PBXs reprogrammed to handle the 954 area code.

Overlay

1. Business customers must have their PBXs reprogrammed to handle the 954 interchangeable code.

It is clear that for business customers, the overlay is less costly than the geographic split. It appears the only costs for residential customers will be for notification of relatives and businesses of a number change, and the need for cellular customers to take their cellular phones in for reprogramming. The only information that quantified the specific cost to a business was provided at the Ft. Lauderdale service hearing. Witness Kimball estimated that it would cost Alamo Rental Car close to \$200,000 to

reprint all of the material that currently has the company's 305 telephone number. In addition to the cost estimate from Alamo, Southern Bell's witness Stacy stated that cellular customers would lose approximately 200,000 - 400,000 man-hours due to customers having to bring their cellular telephone in for reprogramming. It was also pointed out that alarm companies would require approximately 1.7 hours per unit for reprogramming, including a visit to the customer's premises, which would be required to reprogram the fire and intrusion alarms. To the extent that a geographic split creates a logistical problem for converting equipment within a reasonable period of time, it is possible to identify the alarm and wireless carriers and provide these companies an extended permissive dialing period in order to handle the necessary conversion. The specifics of the extended permissive dialing period will be discussed later.

e. Changes in the customers' dialing patterns

Once again there does not appear to be much dispute as to the specific dialing pattern changes that would be required with the implementation of either plan. Listed below are the dialing patterns for each plan.

Geographic Split

1. Local calls within an area code will be 7-digit dialing.
2. All long distance calls both inter-area code or intra-area code will be 10 or 11-digit dialing.
3. All local calls between area codes will be 10-digit dialing.

Overlay

1. Some or all local calls will be 10-digit dialing.
2. All long distance calls will be 10 or 11-digit dialing.

Southern Bell's witness Stacy states that the major change in the customers' dialing patterns for South Florida under the geographic split will be the change from 7 digit to 10 digit dialing on the ECS plan which was implemented on January 23, 1995. As pointed out by staff's witness Widell, the major change in the customers' dialing patterns if an overlay is implemented is the fact that some or all local calls will have to be dialed on a

10-digit basis. Although the record indicates that 10-digit dialing may not be a major concern to most business customers, we believe it will be more difficult to understand for residential customers. In addition, the dialing patterns that would be required in an overlay environment would be more troublesome for all customers due to the requirement that some or all local calls be dialed on a 10-digit basis by January 1, 1996.

f. Customer education

There has been much discussion in this proceeding on whether a specific plan will provide adequate time for customer education. Southern Bell's witness Stacy states that the geographic split would require a significant amount of customer education to be completed within a very short time period. Under the overlay, if we require 10-digit local dialing to begin on January 1996, the amount of time to notify the customers is the same as a geographic split, assuming the geographic split can be extended to the January date. We agree with the parties that 6 months is the minimum desirable notice period to give customers to adapt to the implementation of either plan, but that is not possible in this case for either plan provided under the conditions we have here.

Conclusion Regarding Impacts to Customers

As discussed above, on its face the overlay plan appears to have the least impact on customers due to the fact that it does not require number changes and it is the least costly option for customers. However, the implementation of a geographic split will be easier for customers to understand and adapt to than an overlay relief plan, thus reducing the customer confusion. In addition, if 10-digit local dialing is implemented on January 1, 1996, the adverse effects of the overlay will be more pronounced to customers due to the changes in the dialing patterns and the increased level of customer confusion that will result with the short time to implement the relief method. Under a geographic split, the permissive dialing period should be extended at least until January, 1996. It appears that we can extend the permissive dialing period without much problem. However, it may be appropriate to implement rationing of central office codes to ensure the January 1996 extension.

3. Impacts To Carriers

a. Costs of Implementation of Either Plan

The obvious impact to most carriers is the need to modify the translations in their switching equipment in order to recognize the new area code. There will be some translation work no matter which relief plan is approved. Southern Bell's witness Stacy identified the cost of implementing the geographic split for Southern Bell to be approximately \$4.635 million dollars. For an overlay, Mr. Stacy stated the cost is zero since the Georgia jurisdiction has absorbed the cost of this plan. No other party has provided any estimate as to the specific costs with implementing either plan. However, BMI's witness Brown stated that under the geographic split the cellular carriers would incur the cost for the labor associated with the reprogramming of their customers' cellular telephone sets. Witness Brown also stated that this reprogramming would take approximately 12 months to complete. We believe it is possible to minimize the burden on the cellular carriers by extending the permissive dialing period for cellular NXXs. Southern Bell's witness Stacy stated that it is possible to selectively extend the permissive dialing period for a specific NXX. Therefore, the permissive dialing period for the cellular carriers could be extended up to 12 months. This should alleviate the concern regarding their ability to reprogram their customers' cellular telephones. The last identified cost that would affect a carrier was the need to reprogram PATs telephones to recognize the new NPA. We note that this requirement would be necessary no matter which relief plan is approved.

b. Availability of Numbering Resources to Code Holders on an Efficient and Timely Basis

Both plans can provide numbering resources to code holders on an efficient and timely basis provided the permissive dialing period of the geographic split is extended until January 1996, and Southern Bell continues to utilize the code assignment guidelines. Although the caveat listed above appears to limit the availability of numbering resources for a geographic split, it appears there is additional time built into Southern Bell's November exhaust date which will provide equal access to central office codes. As stated earlier, staff's witness Widell argues the actual exhaust date of the 305 area code is March or May of 1996. Southern Bell's witness Stacy argues the exhaust of 305 is November 1995. The difference between the two dates is caused by differences in each witnesses' definition of exhaust date. Witness Widell defines exhaust to be when all telephone numbers in an area code have been placed in service, while witness Stacy believes the exhaust date is when all

codes are assigned to carriers. These two positions are the extremes of when an area code actually exhausts. Witness Widell states that the actual in service dates for central office codes assigned in November 1995 are March or May of 1996. Southern Bell's witness Stacy is concerned that once all of the 305 central office codes are assigned there will not be any more codes available for assignment if a carrier requested a code. However, from our perspective, as long as a relief plan is approved for implementation prior to the exhaust of the area code, there is no reason Southern Bell cannot assign codes from the new area code or old area code depending on which relief plan is approved since the codes do not actually go into service for at least 4 months. Therefore, we find that either plan will provide numbering resources in an efficient and timely manner.

MCI's witness Price has expressed some concern over Southern Bell having a dual role in the administration of the NANP. Witness Price believes there could be a potential conflict of interest in Southern Bell's role as the administrator of the NANP within Florida and as a user of NXX codes. In response, we note two things. First, regardless of any appearance of conflict of interest, we are unaware of any major problem with Southern Bell's administration of the NANP. Second, we note that the FCC is currently reviewing the appropriate mechanism to administer the NANP. We intend to monitor and participate in the proceedings and developments of the administering of the NANP.

4. Length of Area Code Relief

a. Efficient Use of Numbering Resources in Both the Short and Long Term

Southern Bell's witness Stacy has stated that a geographic split would provide area code relief for Dade and Monroe Counties for approximately 4.8 years and Broward County for approximately 13 years based on the revised forecast of the growth of central office code usage. In addition, witness Stacy has stated that the overlay plan would provide approximately 7.9 years of area code relief for Broward, Dade and Monroe Counties. Witness Stacy is clear to point out that this forecast does not include new competitors, thus the actual area code relief for both the overlay and the geographic split will be less than what is shown above. We note that length of relief for the two plans stated is based on estimates and is not susceptible to precise determination due to the variability of future actions of local competitors, other code holders and the conditions in their respective markets.

All of the parties that favor the overlay plan believe the overlay makes the most efficient use of the numbering resources. However, it is not clear that this is correct due to the unknown effects local exchange competition will have on the use of central office codes. For the short term, the overlay plan may be the best relief plan for Dade County but not necessarily for Broward County. Moreover, the overlay relief plan is not the best long term solution for Broward, Dade and Monroe Counties if future relief of the area is considered.

From a review of the long term relief provided to South Florida it is apparent that both relief plans provide approximately the same amount of relief for Dade County. The major item that should be recognized is that Broward County customers will have no change for approximately 13 years if the geographic split is approved. Based on the uncertainty of the growth of central office codes in Dade County, it appears that the geographic split will provide in the long run the most efficient use of numbering resources in the South Florida area.

b. Availability of Future Options for Area Code Relief

It appears that a geographic split will provide additional future options for area code relief which will not be available with an overlay. As pointed out above, if an overlay is implemented now, the only practical option in the future is to overlay the existing 305 area code with another overlay. However, if a split is approved, we will have the option to overlay any combination of counties for relief in the future. Southern Bell's witness Stacy argues that if the Commission approves an overlay at this time, then it could implement a geographic split sometime in the future. While implementing a post-overlay geographic split is technically possible, we do not believe it would be practical to implement a geographic split in the future since the 305 telephone numbers and overlay 954 telephone numbers would be mixed throughout the 305 area code. Therefore, we find that the geographic split will provide more options for future relief in the South Florida area.

c. Implementation Prior to Exhaust of the 305

Southern Bell's witness Stacy argues that the 305 area code will exhaust in November 1995. However, as pointed out earlier in this issue, it appears that the actual exhaust date will be in January or February 1996. Therefore, we find it is possible to implement either plan prior to the exhaust of the 305 area code.

d. Appropriate Permissive Dialing Period

Based on an implementation of 10-digit local dialing for the overlay plan by January 1996 and an exhaust date in the early part of 1996 for a split, the permissive dialing period would be practically the same for each plan.

D. Conclusion

Upon consideration of the testimony and other evidence in this record regarding the overlay and the geographic split and weighing the evidence pursuant to the established criteria, we find that the greater weight of the evidence supports the implementation of a geographic split to provide relief at this time to the 305 area code. In summary, we note that while neither plan is anticompetitive, there are no competitive concerns associated with the geographic split and the introduction of local competition.

We are concerned with the initial cost to business customers and carriers with the implementation of a geographic split. However, the possibility of confusion for the residential customers is far less with a split than with implementation of an overlay plan.

A geographic split will maintain seven-digit dialing for local calls and avoid any dialing pattern disparities for local calls. In the long run the geographic split will provide the best solution for area code relief in South Florida. A geographic split will provide more options for area code relief while relieving Broward County customers from any additional relief well into the next century. Both plans have a very short permissive dialing period. However, since the geographic split is easier for a customer to understand, the implementation of mandatory dialing for the split will be less confusing.

E. IMPLEMENTATION

As discussed above, we have determined that a geographic split is the most appropriate choice for 305 area code relief. The split shall be implemented at the north boundary of the North Dade exchange (approximately the Dade/Broward County line) no earlier than January 1, 1996. Permissive dialing for 305 customers north of the North Dade Exchange shall begin as soon as possible. Mandatory dialing for Broward pagers shall be implemented no earlier than January 1, 1996. Mandatory dialing for Broward Wireline customers shall not be implemented prior to June 1, 1996.

Mandatory dialing for Broward Cellular customers shall not be implemented prior to January 1, 1997. To the extent feasible and practicable, Southern Bell is requested to extend each or any of the permissive dialing periods. This will aid in the transition to the implementation of the 954 area code for Broward and minimize any disruption from the geographic split. In conjunction with the implementation of the geographic split, Southern Bell is also directed to:

1. Provide a detailed plan no later than August 15, 1995 that lists the customer education methods that will be used, when permissive dialing will start, and when mandatory dialing will begin.
2. Uniformly ration the remaining 305 available codes for September, October, November and December 1995 to ensure the current 305 area code will survive until the implementation of mandatory dialing.
3. Assign pager, alarm companies and cellular codes last in order to provide pagers, cellular and alarm companies sufficient time to do the necessary reprogramming required to implement the geographic split.
4. Provide on the first of each month listed in 2 above an update as to the remaining codes available and any problems that may arise.

IV. MISCELLANEOUS MATTERS

On May 23, 1995, MCI filed a Motion for Expedited Decision and Modification for Post-Hearing Procedures. MCI asks that the requirement for post-hearing briefs be eliminated in order to expedite the filing of staff's recommendation and the Commission's decision. In support, MCI states that one particular problem with implementing a geographic split is the length of the permissive dialing period which is a function of the length of time from the Commission's decision to the implementation of a split and the exhaust date.

In view of the twelve weeks needed by Southern Bell to make the needed hardware and software changes to implement either a geographic split or an overlay, MCI argues that eliminating briefs could add five to seven weeks to the permissive dialing period for a geographic split and reduce the need for code rationing if an

overlay is adopted. MCI further argues that the parties waived cross-examination of three witnesses to expedite the hearing process and that eliminating briefs would further expedite the Commission's decision. MCI states that it has consulted with all parties and represents that, at the time of filing, those parties favoring a split agree to waive briefs and that, of those favoring an overlay, only Southern Bell and BMI had responded. Southern Bell and BMI objected to the waiver of briefs.

Only McCaw, FMCA, BMI, PageNet and PageNet of Miami, and Southern Bell filed responses to MCI's motion. These responses were all received by May 31, 1995. Each of these parties objected to waiving briefs. All except Pagenet agreed to accelerate the filing of briefs by one week.

In accordance with Rules 25-22.028 and 25-22.037(b), Florida Administrative Code, the deadline for filing responses to the Motion was June 5, 1995. Expediting the filing of briefs one week would have made them due on June 12, 1995. It should be noted that objections to the requested late-filed exhibits were also due by June 12, 1995. Filing of briefs could not practically be advanced by one week without potentially depriving parties of the opportunity to take into consideration in their respective briefs the possibility that certain exhibits may be denied admission into the evidentiary record. Moreover, since the briefs are already filed, MCI's Motion for Expedited Decision and Modification of Post-Hearing Procedures is moot.

Based on the foregoing, it is

It is ORDERED by the Florida Public Service Commission that each and all of the specific findings set forth in the body of this Order are approved in every respect. It is further

ORDERED that there are three possible methods for area code relief. It is further

ORDERED that the criteria, in order of importance, for making a determination as to the appropriate area code relief plan are as set forth in the body of this Order. It is further

ORDERED that the advantages and disadvantages of implementing an overlay plan for area code relief for the 305 area code are as set forth in the body of this Order. It is further

ORDERED that the advantages and disadvantages of implementing a geographic split plan for area code relief for the 305 area code are as set forth in the body of this Order. It is further

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ORDERED that a geographic split is the most appropriate plan for area code relief for the 305 area code as set forth in the body of this Order. It is further

ORDERED that Southern Bell shall implement a geographic split at the north boundary of the North Dade exchange no earlier than January 1, 1996, consistent with the implementation requirements set forth in the body of this Order. It is further

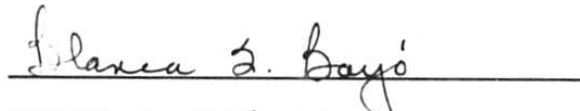
ORDERED the permissive dialing periods shall be as set forth in the body of this Order. It is further

ORDERED that the implementation of mandatory dialing shall be as set forth in the body of this Order. It is further

ORDERED that MCI's Motion for Expedited Decision and Modification of Post-Hearing Procedures is moot as set forth in the body of this Order. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of August, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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Commissioners' Johnson and Garcia dissented from the Commission's decision that the implementation of a geographic split will divide an economic community between Broward and Dade Counties and the Commission's decision that neither the overlay plan nor the geographic split plan is anticompetitive for new telecommunications competitors.

Chairman Clark and Commissioner Deason dissented from the Commission's decision that the geographic split is the most appropriate plan to provide relief to the 305 area code.

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.