

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Numbering) DOCKET NO. 961153-TL
Plan Area Relief for 904 Area) ORDER NO. PSC-96-1488-PHO-TL
Code, by BellSouth) ISSUED: December 5, 1996
Telecommunications, Inc.)
_____)

Pursuant to Notice, a Prehearing Conference was held on December 3, 1996, in Tallahassee, Florida, before Commissioner Diane K. Kiesling, as Prehearing Officer.

APPEARANCES:

J. Phillip Carver, Esquire, and Robert G. Beatty, Esquire, BellSouth Telecommunications, Inc., Suite 400, 150 South Monroe Street, Tallahassee, Florida 32301.
On behalf of BellSouth Telecommunications, Inc.

J. Jeffry Wahlen, Esquire, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301
On behalf of Central Telephone Company of Florida, United Telephone Company of Florida, ALLTEL Florida, Inc., and Northeast Florida Telephone Company.

David B. Erwin, Young, van Assenderp & Varnadoe, P.A., Suite 200, 225 South Adams Street, Tallahassee, Florida 32302-1833
On behalf of Quincy Telephone Company, Florida Telecommunications, Gulf Telecommunications, Inc., and St. Joseph Telecommunications.

Mark Herron, Esquire, and E. Gary Early, Esquire, Akerman, Senterfitt & Edison, P.A., Suite 200, 216 South Monroe Street, Tallahassee, Florida 32302-2555
On behalf of BellSouth Mobility, Inc.

Stephen S. Mathues, Esquire, Sharon D. Larson, Esquire, State of Florida Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950
On behalf of the State of Florida Department of Management Services.

Charles J. Pellegrini, Esquire, and William P. Cox, Esquire, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

DOCUMENT NUMBER-DATE

1296 | DEC-5%

FPSC-RECORDS/REPORTING

PREHEARING ORDER

I. CASE BACKGROUND

On September 20, 1996, BellSouth Telecommunications, Inc. (BellSouth), filed a petition for numbering plan area relief for the 904 area code. BellSouth, as central office code administrator, stated that it had determined there would be an exhaustion of numbers in the 904 NPA by approximately May 1998. BellSouth stated that at industry meetings July 31, 1996, and August 22, 1996, industry representatives had not been able to reach a consensus on how to provide the relief required. The matter was set for a formal administrative hearing before the Commission. The Commission also held service hearings in Pensacola, Panama City, Tallahassee, Daytona Beach, and Jacksonville in November 1996, to receive public comment on the proposed area code change.¹

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, 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.

¹In the Commission's Special Report distributed at the service hearings, the issues identified herein as issues 1, 1A, and 2 were identified as issues 1, 2, and 3, respectively.

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 Division of Records and Reporting's confidential files.

III. 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 50 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.

IV. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

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.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

V. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Daniel M. Baeza	BellSouth	1, 2
Glenn W. Mayne	DMS	1, 2
Lynne G. Brewer	Northeast Floria	1, 2
Thomas M. McCabe	Quincy	1, 2
Donald D. Bowden	St. Joseph, Floralá, Gulf	1, 2
Harriet E. Eudy	ALLTEL	1, 2
Ron Burleson	BellSouth Mobility	1, 2
Sandra A. Khazraee	United/Centel	1, 2

VI. BASIC POSITIONS

BELLSOUTH:

The three forms of relief options available for the 904 NPA are a geographic split, NPA overlay, and NPA boundary realignment. The industry code-holders and various other telecommunications providers operating in the 904 area code, reached a consensus that the most appropriate form of relief for 904 NPA is the geographic split along LATA boundaries. The industry developed three principal LATA boundary relief options, of which only Option 1 complies with the applicable NPA guidelines: Option 1, assigns a new NPA to Pensacola, Panama City, and Tallahassee. This option provides relief for the longest amount of time for both the new and old NPAs. The NPA is expected to need relief again in September, 2002. The new NPA, 850, will require relief approximately in November, 2006. Option 1A, assigns a new NPA to Jacksonville and Daytona. This option actually circumvents a goal of the industry guidelines to minimize the impact of an NPA split by assigning the new NPA to areas with the greatest number of subscribers and NXXs. The impact on future NPA exhaust dates, however, would be the same as Option 1. Option 2, assigns a new NPA to Pensacola and Panama City. While this option has the advantage of affecting fewer subscribers and NXXs than Option 1 and 1A, it provides a

shorter relief interval than either of those two. The 904 NPA is expected to exhaust under this option in October, 2000.

DMS: The Division of Communications has the statutory responsibility to oversee telecommunications needs for state agencies. A change in the 904 area code for the Tallahassee Market Area will fiscally impact state agencies and affect their ability to provide quality service by confusing not only Florida's citizens who have a high community of interest with the State's capital, but also the general public outside Florida who are likely to retain outdated Florida information and be unfamiliar with Florida's area code changes. The Division bases its position on state agency concerns, as well as the Division's experience with dialing plan changes for the SUNCOM Network.

UNITED/CENDEL:

Plan 1 is the most viable of the three plans.

ALLTEL: ALLTEL recommends Option 1, because it provides the greatest relief for the most amount of time for both the new NPA and the old (904) NPAs. If the Commission does not adopt option 1, the Commission should adopt Option 2.

NORTHEAST FLORIDA:

Option 1 is the most appropriate choice when the guidelines for NPA relief are considered. It offers the greatest amount of relief for both the new (850) and the old (904) NPAs. Option 2 should be implemented if Option 1 is not acceptable to the Commission.

BELLSOUTH MOBILITY:

Of the three relief options developed by the industry group, it is the view of BellSouth Mobility Inc. that Option 1 is the least objectionable approach, with Option 2 also being acceptable. Option 1 would assign a new NPA to Pensacola, Panama City and Tallahassee LATA's. Option 2 would assign a new NPA to Pensacola and Panama City LATA's. Option 1 provides the most favorable long-term solution and eliminates the need to disrupt the customer base again in two years. Option 1A is the least desirable of the three options presented.

QUINCY: Quincy Telephone Company supports Option 1A. In the alternative Quincy Telephone Company supports Option 1.

ST. JOSEPH, FLORALA AND GULF:

St. Joseph companies support Option 1A, which assigns a new NPA to the Jacksonville and Daytona LATAs, but if the Commission rejects Option 1A, then there should be a three-way split with the Jacksonville and Daytona LATAs each receiving a new NPA, while the Tallahassee, Panama City and Pensacola LATAs remain with the 904 area code.

STAFF: None pending discovery.

VII. ISSUES AND POSITIONS

ISSUE 1: What geographic split for 904 area code relief should be ordered by the Commission?

POSITIONS

BELLSOUTH:

Of the three available options identified in BellSouth's Basic Position above, Option 1, which assigns a new NPA to Pensacola, Panama City, and Tallahassee, is the only option that meets the criteria set forth in the industry guidelines for NPA relief.

DMS: The Department of Management Services supports Option 1A, Option 2, or any split plan that would keep the 904 area code in the Tallahassee Market Area and therefore not disrupt the public's calling into the State's capital.

UNITED/CENDEL:

Sprint could support all three of these plans although Plan 1 is preferable.

ALLTEL: ALLTEL recommends Option 1, because it provides the greatest relief for the most amount of time for both the new NPA and the old (904) NPAs. If the Commission does not adopt option 1, the Commission should adopt Option 2.

NORTHEAST FLORIDA:

Option 1 is the most appropriate choice when the guidelines for NPA relief are considered. It offers the greatest amount of relief for both the new (850) and the old (904) NPAs.

BELLSOUTH MOBILITY:

Of the three available options identified by the industry group, Option 1 is the most desirable option and should be implemented by the Commission.

QUINCY: Same as basic position.

ST. JOSEPH, FLORALA AND GULF:

Same as basic position.

STAFF: No position at this time.

ISSUE 2: How and when should the area code relief be implemented?

BELLSOUTH:

The 904 NPA relief should be implemented through a transition plan which would allow permissive dialing to begin within three to six months of the Commission's final decision and mandatory dialing to commence in the second quarter, 1998.

DMS: The Department of Management Services supports the implementation timetable for area code relief as set forth in BellSouth's petition with permissive dialing beginning on February 24, 1997, and mandatory dialing beginning on February 23, 1998.

UNITED/CENTEL:

In order to ensure a smooth transition to the new NPA, the longest possible permissive dialing period needs to be instituted, preferably a permissive dialing period of one year. All involved telecommunications companies and the Commission need to work together to mitigate the negative impact to all customers by this NPA split

ALLTEL: ALLTEL agrees with Northeast that permissive dialing should be allowed beginning on February 24, 1997, with mandatory dialing to become effective one year later, on February 23, 1998.

NORTHEAST FLORIDA:

Permissive dialing should be allowed beginning on February 24, 1997, with mandatory dialing to become effective one year later, on February 23, 1998.

BELLSOUTH MOBILITY:

Relief should be implemented through a transition plan, which would allow permissive dialing after a certain period and mandatory dialing to commence in the second quarter of 1998.

QUINCY: The 904 NPA relief should be implemented in accordance with the time table set forth in BellSouth's Petition. Permissive dialing should begin February 24, 1997, and mandatory dialing should begin February 23, 1998.

St. JOSEPH, FLORALA AND GULF:

The 904 NPA relief should be implemented in accordance with the time table set forth in BellSouth's Petition. Permissive dialing should begin February 24, 1997, and mandatory dialing should begin February 23, 1998.

STAFF: No position at this time.

VIII. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Daniel Baeza	BellSouth	<u> </u> (DMB-1)	Geographic Split Chart No. 1, 1-A, and 2

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Glenn W. Mayne		<u> </u> (GWM-4)	Letter, dated October 29, 1996, to Glenn Mayne from Julie Robertson, Manager, Voice Network Operations, State of Alabama Telecommunications Division under the Department of Finance

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

IX. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

X. RULINGS

1) BellSouth Mobility Inc.'s Motion to Permit Late Filing of Prehearing Statement, filed on November 25, 1996, is granted.

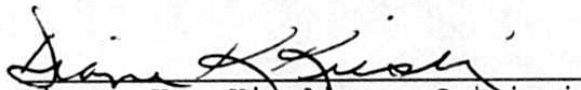
2) Quincy Telephone Company's, Gulf Telecommunications', St. Joseph Telecommunications' and Florala Telecommunications' Motion to Accept Late Filed Prehearing Statement, filed on November 26, 1996, is granted.

Based upon the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

ORDER NO. PSC-96-1488-PHO-TL
DOCKET NO. 961153-TL
PAGE 12

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 5th day of December, 1996.


Diane K. Kiesling, Commissioner
and Prehearing Officer

(S E A L)

CJP

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.

ORDER NO. PSC-96-1488-PHO-TL
DOCKET NO. 961153-TL
PAGE 13

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.