

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth  
Telecommunications, Inc. d/b/a AT&T Florida  
d/b/a AT&T Southeast for waiver of Rule 25-  
4.040(2), Florida Administrative Code.

DOCKET NO. 090082-TL

In re: Petition by Verizon Florida LLC for  
waiver of Rule 25-4.040(2), F.A.C.

DOCKET NO. 100327-TL  
ORDER NO. PSC-11-0511-FOF-TL  
ISSUED: November 2, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

ORDER CLOSING DOCKETS

BY THE COMMISSION:

On February 13, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T Florida), an incumbent local exchange telecommunications company (ILEC), filed a petition for a permanent rule waiver pursuant to section 120.542, Florida Statutes (F.S.), and Rule 28-104.002, Florida Administrative Code (F.A.C.). In the petition, AT&T Florida sought relief from Rule 25-4.040(2), F.A.C., which requires that each subscriber is furnished a copy of a telephone directory that lists local residential and business telephone numbers. By Order No. PSC-09-0492-PAA-TL,<sup>1</sup> we denied AT&T Florida's request for a permanent rule waiver and instead granted a temporary rule waiver for a period of two years, which two year period expired on July 30, 2011.

On June 14, 2010, Verizon Florida LLC (Verizon), another ILEC, filed a petition seeking the same relief from Rule 25-4.040(2), F.A.C., as was sought by AT&T Florida in 2009. By Order No. PSC-10-0599-PAA-TL,<sup>2</sup> we also denied Verizon's request for a permanent rule waiver and instead granted a temporary rule waiver for a period of two years, which two year period expires on October 24, 2012.

<sup>1</sup> Issued July 8, 2009, in Docket No. 090082-TL, In Re: Petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast for waiver of Rule 25-4.040(2), Florida Administrative Code, and consummated by Order No. PSC-09-0529-CO-TL, issued July 31, 2009.

<sup>2</sup> Issued September 30, 2010, in Docket No. 100327-TL, In Re: Petition by Verizon Florida LLC for waiver of Rule 25-4.040(2), F.A.C., and consummated by Order No. PSC-10-0635-CO-TL, issued October 25, 2010.

DOCUMENT NO. DATE

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FPSC - COMMISSION CLERK

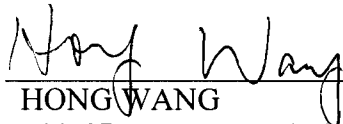
During the rule waiver periods, the ILECs and our staff were instructed to seek input from Florida consumers regarding the discontinuance of the delivery of an up-front copy of the residential white pages directory. The dockets have remained open to gather information on whether a permanent waiver of the rule would be appropriate.

Effective July 1, 2011, Chapter No. 2011-36, Laws of Florida, created the Regulatory Reform Act, which revised our authority over telecommunications companies. Accordingly, on September 23, 2011, we repealed a number of rules which no longer have implementing authority, including Rule 25-4.040, F.A.C. The rule repeal became effective October 13, 2011. With the passage of the Regulatory Reform Act and consequent repeal of Rule 25-4.040, F.A.C., we no longer have the authority to require telecommunications companies to provide directories to subscribers. Therefore, Docket Nos. 090082-TL and 100327-TL are hereby closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket Nos. 090082-TL and 100327-TL are closed.

By ORDER of the Florida Public Service Commission this 2nd day of November, 2011.



HONG WANG

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.