

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Declaratory) DOCKET NO. 960876-TP
Statement Regarding Rule 25-) ORDER NO. PSC-96-1434-FOF-TP
4.115, F.A.C., or, in the) ISSUED: November 25, 1996
Alternative for Waiver of Rule,)
by BellSouth Telecommunications,)
Inc.)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING BELL SOUTH TELECOMMUNICATIONS
INC.'S PETITION FOR WAIVER OF RULE 25-4.115, F.A.C.

By The Commission:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

On July 31, 1996, BellSouth Telecommunications, Inc. (BellSouth), pursuant to Rule 25-22.020, Florida Administrative Code, filed its Petition for Declaratory Statement; or in the alternative, pursuant to Rule 25-24.505(3), for waiver of Rule 25-4.115, F.A.C. (Petition).

As noted in the Petition, Numbering Plan Areas (NPA) have proliferated so that there are now eight NPAs instead of three, as was the case formerly. As a result, applying Rule 25-4.115 could, for example, cause a directory assistance call from Homestead seeking a number in Ft. Lauderdale to be routed to an interexchange carrier and charged an interexchange carrier's rate even though both NPAs (305 and 954) are located within the same LATA (local access transport area).

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DISCUSSION

We concur in BellSouth's premise that interexchange routing of directory assistance calls within the same LATA is not a result intended by the Commission in enacting Rule 25-4.115. That would not have been the case formerly since there were no LATAs that contained more than one NPA. Accordingly, it is appropriate to waive the application of Rule 25-4.115 in those instances where that unintended result would otherwise occur. We note that such waiver or modification is properly authorized by Rule 25-4.002(3), F.A.C.

In view of the above, it is

ORDERED by the Florida Public Service Commission that BellSouth's petition for waiver of Rule 25-4.115, F.A.C., is granted where interexchange routing of directory assistance calls within the same LATA would otherwise occur. It is further

ORDERED that this Order shall become final and effective unless an appropriate petition is filed in accordance with the "Notice of Further Proceedings or Judicial Review" as set forth below. It is further

ORDERED that if this Order becomes effective on the date set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of November, 1996.



BLANCA BAYO, Director
Division of Records and Reporting

(S E A L)

RCB

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 16, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.