

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 960966-TL
applicable Commission orders) ORDER NO. PSC-96-1454-FOF-TL
relating to assignment of N11) ISSUED: December 2, 1996
code 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 APPROVING WAIVER OF ASSIGNMENT OF N11 CODE

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.

On August 21, 1996, BellSouth Telecommunications, Inc. filed a petition with us requesting a waiver of the provisions in Order No. PSC-93-1620-FOF-TL relating to the assignment of an N11 code. This order also specified the general rate structure for N11 codes, the area in which N11 code services were to be provided, and conditions for exemptions of N11 services. Since the initiation of N11 service, the subscriber to code 211 in the Tier 1 (South Florida) calling area has experienced service problems. The specific problem encountered by the subscriber is phantom calls. Phantom calls are defined by BellSouth as noises on its lines which are interpreted by its equipment to be tones that are to be routed to the 211 code. When the 211 subscriber answers the calls, no party is at the other end. Because the subscriber pays for each call, he was being charged for calls he did not receive. BellSouth has been issuing credits to the customer's bill to reflect these phantom calls. According to BellSouth, these service problems are

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exacerbated by bad weather. BellSouth has repeatedly attempted to diagnose and correct the problem but has been unsuccessful. The exact cause of this phenomenon is unknown. BellSouth states that because of this problem its facilities cannot adequately provide N11 service through the 211 code in the Tier 1 calling area.

The current subscriber to the 811 code in the Tier 1 calling area is expected to discontinue service in the near future. When an N11 subscriber discontinues service, Order No. PSC-93-1620-FOF-TL specifies that the N11 code is to be reassigned to the next customer on the waiting list. Presently, there is a waiting list for the next available N11 code in the Tier 1 calling area. BellSouth is petitioning us to grant a partial waiver of Order No. PSC-93-1620-FOF-TL relating to assignment of N11 codes solely for the purpose of assigning the 811 code in the Tier 1 calling area, when it becomes available, to the current holder of the 211 code.

Since the current holder of the 211 code complied with the process of code selection to receive his current code and through no fault of his own has experienced problems with the code, we believe this petition for waiver is appropriate, and shall be granted.

Based on the foregoing, it is

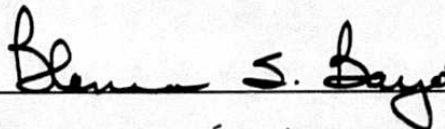
ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for a partial waiver of the portion of Order No. PSC-93-1620-FOF-TL regarding the assignment of N11 codes is granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 2nd
day of December, 1996.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

NSR/MCB

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 23, 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 substantially 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.