

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

State of Florida



Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

FILE COPY

Public Service Commission

DATE: February 12, 1997
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. 961153-TL - Petition for numbering area relief for 904 area code, by BellSouth Telecommunications, Inc.

This is to inform you that the Commission has reported the following communication in the above-referenced docket.

- Letter from Mr. Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997.

The letter from Mr. Kostenski and Commissioner Garcia's response, copies of which are attached, are being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S., any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

BSB/cp

Attachments

cc: Rob Vandiver/w/letter



NATIONWIDE EQUIPMENT

11950 NEW KINGS ROAD • JACKSONVILLE, FLORIDA • 32219 U.S.A.
PHONE (904) 924-2500 • FAX (904) 924-2525

<http://www.nationwideequipment.com>
E-MAIL: sales@nwe-usa.com

4 February 1997

VIA FACSIMILE
AND CERTIFIED MAIL

Mr. Joe Garcia
Florida Public Service Commission
Division of Consumer Affairs
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0867

Re: 904 Area Code for Jacksonville / Docket No. 961153-TL

Dear Commissioner Garcia:

We are surprised and suspicious that even though your own in-field staff recommended to the Florida Public Service Commission to leave the 904 area code for Northeast Florida your FPSC Board voted otherwise!

Your people came to our area here practically unannounced to the business community less than a week before a United States holiday, so that only a few major businesses could attend the hearing. Your department did so in spite of the fact that this is such an important issue that affects over thousands of businesses in Jacksonville who will have to bear a massive financial burden which is a hundred times the amount of the expense to taxpayers than if Tallahassee's area code were changed. We hereby request another hearing. We were one of the businesses which attended the hearing, but many more wanted to be heard.

What is most disturbing is that options 1, 2 and 3, which were the only plans discussed at the meeting were never even approved. However a new option, (Option 4), was sneaked in without our knowledge or solicitation of our opinion. Since this plan was never even discussed before our panel of business leaders and political people, please enlighten me as to how it can legally be correct for your board to vote the way they did on Option 4?

Florida Public Service Commission

-2-

4 February 1997

We are encouraged by the fact that the FPSC's decision was only one vote short of leaving the 904 area code with Northeast Florida. If your vote was a yes one, we thank you for standing by your staff's recommendation. The overall decision of the FPSC Board however was lopsided. It smacks of political coercion! Accordingly, we wish to appeal the Board's decision.

Therefore, please communicate with us as soon as possible as we intend to do whatever is necessary to go through whatever process is needed, including litigation if that is deemed most appropriate.

Sincerely,


Ed Kostenski
President

cc: Fax: 1-800-511-0809

Mr. Winston E. Pierce
Department of Management Services
State of Florida
Fax: 1-904-413-9529

Joe Garcia
Commissioner

State of Florida



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6042
FAX (904) 487-1716

Public Service Commission

February 10, 1997

Mr. Ed Kostenski, President
Nationwide Equipment
11950 New Kings Road
Jacksonville, FL 32219

Dear Mr. Kostenski:

Our office is in receipt of your letter dated February 4, 1997. A copy of that letter has been forwarded to our legal staff, and they will soon be in contact with your office to explain what the options are for addressing your current situation. It is my understanding that those options are somewhat limited.

Input from ratepayers such as yourself is very important to the Commission in the discharge of its duties. I want to assure you that there has never been a deliberate attempt to circumvent the participation of the general public in this process. All the necessary steps were taken, as required by law, to provide proper notice of all the customer hearings in this docket.

As you know, Commissioner Garcia voted in the minority on this issue, and to my knowledge shares some of the same concerns expressed in your letter. Unfortunately, being in the minority precludes Commissioner Garcia from asking the Commission to reconsider the issue on its own motion.

If we can be of any assistance on this or any other matter in the future, please do not hesitate to call on us.

Very truly yours,


Braulio L. Baez
Executive Assistant

/blb
L:\LETTERS\KOSTENSK BLD

State of Florida

Joe Garcia
Commissioner



Gerald I. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6042
FAX (904) 487-1716

Public Service Commission

MEMORANDUM

RECEIVED
FEB 12 1997

FPSC-RECORDS-REPORTING

TO: Blanca Bayó
Director, Division of Records and Reporting

FROM: Commissioner Joe Garcia

RE: Written Communication Regarding Docket 961153 TL
Pursuant to Section 350.042, Florida Statutes

DATE: February 10, 1997

Please place the attached written communication, which may be considered ex parte, in the file for the above proceeding.

Please give notice of this communication to all parties to the docket and inform them they have ten days from receipt of the notice to file a response.

- No response was made to this communication.
- I have attached a copy of my response.

Note: This communication was received via fax from an interested party. The sender is not a party of record.- BLB

BLB:ks

From: Carol Purvis

Confirm receipt

To:

Curtis Williams, Billy Stiles, Brenda Ferris, Charles Rehwinkel, Braulio Baez

Subject: Ex Parte

===NOTE=====

Commissioner Garcia has reported receiving a communication from Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997, concerning Docket No. 961153-TL. We are preparing to distribute the communication to the parties to this docket. Would you please advise if your Commissioner also received this communication from Mr. Kostenski.

From: Carol Purvis

To:
Billy Stiles, Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis
Williams

Subject: fwd: Ex Parte

===NOTE=====2/11/97==5:43pm=====

Commissioner Garcia has reported receiving a communication from Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997, concerning Docket No. 961153-TL. We are preparing to distribute the communication to the parties to this docket. Would you please advise if your Commissioner also received this communication from Mr. Kostenski.

Fwd-by:=-Charles=Rehwi=2/11/97=11:28pm=====

Fwd to: Carol Purvis

.....
As reported earlier we received and reported this letter.

From: Carol Purvis

CONFIRMED

To:

Billy Stiles, Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams

Subject: fwd: Ex Parte

===NOTE=====2/11/97==5:43pm=====

Commissioner Garcia has reported receiving a communication from Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997, concerning Docket No. 961153-TL. We are preparing to distribute the communication to the parties to this docket. Would you please advise if your Commissioner also received this communication from Mr. Kostenski.

Fwd=by:=-Billy=Stiles==2/12/97==8:45am=====

Fwd to: Carol Purvis

CC: Kay Posey

.....

This letter was sent to Commissioner Clark. I intercepted it, responded to it, and put a copy of his letter and my response on the record.

From: Carol Purvis

CONFIRMED

To:

Billy Stiles, Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams

Subject: fwd: Ex Parte

===NOTE=====2/11/97==5:43pm=====
Commissioner Garcia has reported receiving a communication from Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997, concerning Docket No. 961153-TL. We are preparing to distribute the communication to the parties to this docket. Would you please advise if your Commissioner also received this communication from Mr. Kostenski.

Fwd-by:=-Brenda=Ferris=2/12/97==9:31am=====
Fwd to: Carol Purvis

I talked with Cathy Bedell about this. The correspondence from Mr. Kostenski is not ex parte since he is not a party to the docket. This letter is being treated as customer correspondence. We did receive it. Chairman Johnson is responding for the Commission.

From: Carol Purvis

To: Billy Stiles, Braulio Baez, Brenda Ferris, Charles Rehwinkel, Curtis Williams

Subject: fwd: Ex Parte

===NOTE=====2/11/97==5:43pm=====

Commissioner Garcia has reported receiving a communication from Ed Kostenski, President of Nationwide Equipment, dated February 4, 1997, concerning Docket No. 961153-TL. We are preparing to distribute the communication to the parties to this docket. Would you please advise if your Commissioner also received this communication from Mr. Kostenski.

Fwd-by: =Curtis=Willia=2/13/97=10:46am=====

Fwd to: Carol Purvis

.....
Yes