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May 16, 1997

VIA FEDERAL EXPRESS

Ms. Blanca Bayó
Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard
Room 110
Tallahassee, FL 32399-0850

97 0609-TL

Re: Petition for Transfer of N11 Code

Dear Ms. Bayó:

We are attaching a Petition on behalf of our client, 311 Direct, Inc., a Florida corporation, for filing with the Public Service Commission.

Please advise if there is any need for additional information from our client, 311 Direct, Inc. in connection with the Petition and what procedures will be taken by the Public Service Commission in connection with the Petition.

I thank you for your consideration and information in connection with this matter.

Very truly yours,

MUCHNICK, WASSERMAN & DOLIN

By


Jeffrey P. Wasserman, Esq.

JPW:vmc
Enclosures

cc: 311 Direct, Inc.

DOCUMENT NUMBER-DATE

04992 MAY 19 97

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Transfer of N11 Code by)
311 Direct, Inc.)
_____)

Docket No

PETITION FOR TRANSFER OF N11 CODE AND OTHER RELIEF

Petitioner, 311 DIRECT, INC. a Florida corporation, petitions the Public Service Commission to transfer its N11 Service Code from 311 to 211 in the following areas of service: Miami, Fort Lauderdale, West Palm Beach, Boca Raton, Delray Beach, Melbourne, Orlando and Gainesville, and further petitions the Public Service Commission to prevent any use of the 211 Code in the above areas until the Commission has had an opportunity to act on this petition, and further petitions the Public Service Commission to permit the transfer of the 311 Code to 211 in the above areas at no additional licensing expense to the petitioner or in the alternative at a reduced licensing expense to the petitioner and in support of the petition state

I. TARIFF

A. Bell South Telecommunications, Inc., Florida, has issued a general subscriber's service Tariff A39, Abbreviated Dialing on July 1, 1996 with an effective date of July 15, 1996 for the assignment of N11 Service Codes, initially on a lottery basis and thereafter on a first-come first-serve basis. (A39.1.2A)

B. The N11 subscriber must initiate a service request order within thirty (30) days of the number assignment which will determine the subscriber's provisioning date. The provisioning date must be within ninety (90) calendar days of the date the N11 is assigned to the subscriber (A39.1.2B)

C. Use of N11 service is subject to possible recall of the N11 code by the NANP (North American Numbering Plan) administrator for national use. If a recall is effected by the NANP

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administrator, the company will work with all N11 subscribers affected by such recall to transfer their service arrangements, if technically and economically feasible at the time, to an abbreviated dialing arrangement, ... within the sixth-month. (A39 1.2D)

II HISTORY

A. The Petitioner, 311 DIRECT, INC., initially obtained its 311 service code through the lottery pursuant to A39.1.2A of the Tariff.

B. The Petitioner currently has the 311 service code assigned to it in the following service areas: Miami, Fort Lauderdale, West Palm Beach, Boca Raton, Delray Beach, Melbourne, Orlando and Gainesville.

C. In February of 1997, the FCC in the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements Under CC Docket Number 92-105 authorized the use of the N11 service code 311 for non-emergency police telephone calls in the different communities in the United States. This was pursuant to recommendation by the Department of Justice and was signed into law by President Clinton.

D. As a result of this ruling, the Petitioner, 311 DIRECT, INC., has been placed in a position where it will be required to give up the use of its N11 service code at such time as police agencies in the geographical locations set forth herein provide notice of their intent to commence the utilization for their non-emergency lines.

E. Utilization of the 311 number may be requested by even the smallest of police agencies, but in any event, as soon as it has been requested, the Petitioner will have six (6) months within which to give up the number for use by the police agency.

F. As a result of the hearings which were held at the FCC the recommendation of the Department of Justice and the law signed into effect by President Clinton, there is no question that the Petitioner will, in the very near future, be faced with having to give up its 311 service code number.

G. Information received from Bell South Telecommunications, Inc., Florida is that the service code number, 211, is currently available for utilization in all of the geographical areas set forth herein, with the exception that a company by the name of National Telephone Enterprises has recently applied for utilization of the 211 service code number in Orlando.

H. The applicant for the 211 service code number in Orlando has not yet initiated service.

III. REQUEST FOR RELIEF

A. As a result of the imminent removal of service code number, 311, for non-emergency police telephone calls throughout all of the communities in the United States including all service areas which are set forth in this petition, the Petitioner requires the utilization of another service code number in these geographical locations.

B. Based upon the other N11 service code numbers being utilized for other national or statewide services, the only number available in the geographical areas at this time is the service code number, 211.

C. Bell South Telecommunications, Inc., Florida has advised that with the exception of the Orlando area, there is no other utilization of the 211 service code number in any of the other geographical locations, nor is believed that there is a waiting list for utilization of the 211 service code number in the other areas.

D. Unless the Petitioner is allowed to transfer from 311 to 211 in the geographical areas set forth within this petition, the actions of the FCC will essentially place 311 Direct, Inc out of business.

E. The Petitioner is currently serving a public service for the users of its number and has been an important account of Bell South Telecommunications, Inc., Florida

F. As a result of the actions of the FCC, out of fairness, and pursuant to the Tariff provision A39.1.2D the Petitioner is seeking assistance from the Public Service Commission to enable it to transfer its service code number from 311 to 211 in all of the geographical locations including Orlando.

G. The Petitioner states that the applicant for the 211 number in Orlando is a direct competitor of the Petitioner and has submitted its utilization request solely as a result of the knowledge of the FCC ruling and the fact that the Petitioner will not be able to enter the Orlando market with an N11 service code if 211 is already reserved

H. 311 DIRECT, INC., the Petitioner is ready to initiate service in all of the geographical areas set forth within this Petition and submits that it will work with Bell South Telecommunications, Inc., Florida in order to effectively notify its consumers of the transfer from the 311 code to the 211 code in all of said geographical locations.

I. Further, out of an abundance of fairness, the Petitioner is seeking relief from the Public Service Commission in the form of a waiver of additional licensing expenses to the Petitioner in the geographical areas in which it is currently servicing its consumers under the 311 service code.

J. As an alternative, the Petitioner is asking that the Public Service Commission intervene, if necessary, to insure that any re-licensing expense in these geographical areas will be reduced to the extent that it will only be at the actual cost for Bell South Telecommunications, Inc., Florida to make said service available under the 211 service code number in these geographical locations

WHEREFORE, based upon the facts and arguments set forth above, the Petitioner, 311 DIRECT, INC., respectfully prays for a ruling from the Public Service Commission as follows

A. To authorize transfer of the service code number 311 to the service code number 211 to the Petitioner in the following geographical locations: Miami, Fort Lauderdale, West Palm Beach, Boca Raton, Delray Beach, Melbourne, Orlando and Gainesville

B. That the Public Service Commission intervene to prevent any utilization of the 211 service code number in any of the above areas during the pendency of this petition and that the Petitioner, 311 DIRECT, INC. receives priority in connection with the transfer of its current 311 service code number to 211 service code number in these geographical areas over any other company seeking to provide service in these areas under the 211 service code

C. That the Public Service Commission approve that the Petitioner will not have to pay an additional licensing expense in order to initiate service in any of the geographical areas set forth above when transferring from the 311 service code number to the 211 service code number, or in the alternative to provide that only the actual costs incurred by Bell South Telecommunications, Inc., Florida in providing the new 211 service code number in these geographical areas be required to be paid by the Petitioner.

D. And that the Public Service Commission provide such further relief as may be consistent with this Petition.

Dated this 16th day of May, 1997.

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By 

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