



Charles J. Rehwinkel

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July 1, 1997

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. **970604-TL**

Dear Ms. Bayo:

Enclosed for filing is the original and fifteen (15) copies of Sprint-Florida, Inc.'s response to the Petition of 311 Direct for transfer of N11 codes and other relief in the above referenced docket.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

ACK Thank you for your assistance in this matter.

AFM

APP Sincerely,

CAF
CJR 

CIR Charles J. Rehwinkel

EAC

LEA CJR/bs

LI 5 Enclosures

C


R cc: Parties of Record

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OTH

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In Re: Petition for Transfer)
of NII Codes by 311)
Direct, Inc.)
_____)**

Filed: July 1, 1997

Docket No. 970604-TL

RESPONSE OF SPRINT-FLORIDA INCORPORATED TO THE PETITION OF 311 DIRECT FOR TRANSFER OF NII CODES AND OTHER RELIEF

COMES NOW Sprint-Florida, Incorporated ("Sprint-Florida", "Company" or "Respondent") and files this response to the Petition of 311 Direct, Inc. filed in this docket. Sprint-Florida's response is made at this time as a precautionary matter at a minimum. Because the Petition neither mentions Sprint-Florida nor was it served on the Respondent, the Company is unsure whether the relief requested was intended to affect the Company's rights.¹ However, since the petition requests that the Commission "prevent any use of the 211 Code in the [Orlando] area[]", Sprint-Florida's rights may be affected since the Company is currently providing service using the 211 code in Sprint-Florida's Orlando service area. In support, the Respondent states

Respondent is :

Sprint-Florida, Incorporated
555 Lake Border Drive
Apopka, Florida 32703

Respondent is represented by :

¹ Although the appropriate motion might be a Motion to Dismiss (for failure to serve affected parties) and/or for More Definite Statement (due to the lack of specificity in indicating the location of the requested), this response will directly respond to the Petition in the interest of simplifying the Commission's task of resolving this matter.

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Charles J Rehwinkel
General Attorney
1313 Blair Stone Rd
MC FLTLHO0107
Tallahassee, Florida 32301

Service may be made at the above location.

Response

1. Sprint-Florida is without sufficient information to admit or deny Paragraph I A of the Petition.

2. Sprint-Florida is without sufficient information to admit or deny paragraph I B of the Petition

3. Sprint-Florida is without sufficient information to admit or deny Paragraph I C of the Petition.

4. Sprint-Florida is without sufficient information to admit or deny paragraph II A of the Petition.

5. Sprint-Florida is without sufficient information to admit or deny Paragraph II B of the Petition.

6. Paragraph II.C of the Petition is admitted except that Sprint-Florida is without information as to the weight given the Justice Department recommendation of President Clinton's role in the FCC's rulemaking

7. Paragraph II.D of the Petition is admitted

8. Paragraph II.E of the Petition is admitted

9. Sprint-Florida denies that there is "no question" that the Petitioner will have to give up its 311 service code "in the very near future", if ever Sprint-Florida is without information as to the rest of Paragraph II.F

10. Sprint-Florida is without sufficient information to admit or deny Paragraph II G with respect to information received from BellSouth Telecommunication, Inc , Florida as it applies to BellSouth Telecommunications, Inc , Florida's operations Sprint-Florida admits that National Telephone enterprises Inc. has applied for service from Sprint-Florida to serve the portion of the

Orlando geographic area that Sprint-Florida serves.

11. Sprint-Florida is without sufficient information to admit or deny Paragraph II H of the Petition.

12. Sprint-Florida denies Paragraph III A.

13. Sprint-Florida is without sufficient information to admit or deny Paragraph III B of the Petition.

14. Sprint-Florida is without sufficient information to admit or deny Paragraph III C of the Petition.

15. Sprint-Florida is without sufficient information to admit or deny Paragraph III D of the Petition.

16. Sprint-Florida is without sufficient information to admit or deny Paragraph III E of the Petition.

17. Sprint-Florida is without sufficient information to admit or deny Paragraph III F of the Petition.

18. Sprint-Florida is without sufficient information to admit or deny Paragraph III G of the Petition.

19. Sprint-Florida is without sufficient information to admit or deny Paragraph III H of the Petition.

20. Sprint-Florida is without sufficient information to admit or deny Paragraph III I of the Petition. Furthermore, to the extent Paragraph III I is a request for relief it is denied by Sprint-Florida on the grounds set out in Respondent's Paragraphs 23-25 below regarding Sprint-Florida's valid and effective tariff filed with the Commission by Sprint-Florida.

21. Sprint-Florida is without sufficient information to admit or deny Paragraph III J of the Petition. Furthermore, to the extent Paragraph III J is a request for relief it is denied by Sprint-Florida on the grounds set out in Respondent's Paragraphs 23-25 below regarding Sprint-Florida's valid and effective tariff filed with the Commission.

22. Sprint-Florida denies Petitioner's request for relief as set out in Paragraphs A-D insofar as the request is directed to N11 service provided or to be provided by Sprint-Florida in the Orlando geographic area pursuant to the terms and conditions of a valid tariff on file with the

AFFIRMATIVE DEFENSES

A. Sprint-Florida has a customer currently subscribing to N11 service under a valid tariff and therefore the Commission is without any basis to grant the relief requested with respect to N11 service in the Sprint-Florida portion of the Orlando geographic area.

23. Sprint-Florida has a valid tariff (Section A39- Abbreviated Dialing) on file with the Florida Public Service Commission that controls the provision of N11 service where available in the Sprint-Florida service territory. The tariff has been in effect since January 1, 1997. The tariff was amended effective in April 1997 to remove 311, 711 and 811 as a response to the potential unavailability of these codes due to FCC Order 97-051.

24. On March 12, 1997, National Telephone Enterprises ("NTE") made a valid request for service utilizing the 811 code pursuant to Section A39 A 2 of Sprint-Florida's General Exchange Tariff. Pursuant to the tariff, a deposit in the amount of \$15,000 was provided by the customer. Subsequently on April 7, 1997, NTE made a revised request for 211 as a result of Sprint-Florida informing NTE that the 811 number would no longer be available in the Sprint-Florida territory. At that time NTE also made an additional deposit of \$2,000 for billing, pursuant to the tariff.²

25. Although Section A39 A 2 a provides that Sprint-Florida will concur in the lottery results and subsequent number assignments performed by [BellSouth], and/or will honor the existing code assignment of another company sharing the provision of service in a local calling area (which the Winter Park/Orlando area is), none of those conditions exist with respect to the 211 code today. The 211 code is either assigned to NTE in the Orlando portion of the BellSouth territory or has not been assigned. In either case, the inter-company co-ordination provisions of

² At this time billing is scheduled to begin on June 27, 1997

Sprint-Florida's tariff are not triggered.

B. Since 311 Direct has abandoned prior efforts to subscribe to N11 service from Sprint-Florida, the Petitioner is not entitled to any relief with respect to the portion of the Orlando geographic area served by Sprint-Florida.

26. In August of 1995, 311 Direct, Inc. inquired of Sprint-Florida (then United Telephone of Florida) regarding subscription to the abbreviated dialing arrangement using the 311 code. At that time Sprint-Florida the Company informed the customer that the proposal to exceed the limit of \$5.00 per call through extension of the PSC-imposed time limit was of concern. The customer was advised that a waiver would have to be received by the customer from the PSC before the service would be provided. As of today 311 Direct has not inquired further of the Company regarding this service.

27. FCC Order 97-051 has had no bearing on the alleged need of 311 Direct, Inc. to have the Commission to act to reserve or otherwise make available the 211 code in the Sprint-Florida service territory.

C. Conclusion

28. At this time, Sprint-Florida has assigned the 211 code to a customer pursuant to a valid tariff. Under these circumstances, the Company is unaware of any authority of the Commission to take any action to impair the ability of the current customer to take service using the 211 code in the Sprint-Florida territory. 311 Direct, Inc. is not, based on its abandonment of any prior effort to subscribe to the service in the Sprint-Florida territory, and the current customer's valid subscription to the service utilizing the 211 code, entitled to any relief in the Orlando geographic area served by Sprint-Florida.

WHEREFOR, for the reasons set out above, Sprint-Florida respectfully requests that the Florida Public Service Commission deny the petition insofar as it seeks any relief relative to the area served by Sprint-Florida. The Petition has not demonstrated a legal or equitable basis for relief as it relates to Sprint-Florida and the territory it serves

RESPECTFULLY SUBMITTED,



Charles J. Schwinkel
General Attorney
Sprint-Florida, Incorporated
1313 Blair Stone Rd
MC FLTLHO0107
Tallahassee, Florida 32301

**Docket 970604-TL
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was served on the following Parties by U S Mail this
1st Day of July, 1997.

Jeffery Wasserman, Esq.
Muchnick, Wasserman & Dolin
4000 Hollywood Boulevard Suite 701 N
Hollywood, Florida 33021

Will Cox, Esq
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-7704

Nancy White
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Brian Cate
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McLean Virginia 22102



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