

GREGORY D. ARTIS
General Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
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November 26, 1997

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

971560-TL

**Re: UNDOCKETED - Petition of BellSouth Telecommunications, Inc.
for Waiver of Rule 25-4.115, F.A.C.**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunication, Inc.'s Petition for Waiver, which we ask that you file in the above-captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Gregory D. Artis (ke)

Gregory D. Artis

Enclosures

cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

RECEIVED & FILED
[Signature]
FPC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
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2. BellSouth's principal place of business in Florida is 150 W. Flagler St., Suite 1910, Miami, Florida 33130.

3. Pleadings and process in this matter may be served upon:

Robert G. Beatty
Nancy B. White
Gregory D. Artis
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

Background

4. Under Rule 25-4.115, the provision of directory assistance by BellSouth as a local exchange company is limited to the HNPA of the caller. The rule permits interexchange carriers ("IXCs") to handle directory assistance calls outside the HNPA. "Charges for calls within a local calling area or within a customer's Home Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the local exchange company originating the call...." Rule 25-4.115(2), Florida Administrative Code. On the other hand, "[c]harges for interstate calls to directory assistance outside of the caller's HPNA shall be at rates prescribed in the general service tariff of the interexchange companies...." Rule 25-4.115(3), Florida Administrative Code.

5. BellSouth has developed a National Directory Assistance ("NDA") service which it desires to provide to its customers in Florida on a HNPA basis as BellSouth presently does in other BellSouth states. BellSouth NDA would enable BellSouth Florida customers to obtain telephone numbers of individuals in

unknown and/or distant area codes with a single call to either 411 or HNP-555-1212. The originating points of such calls would be at the requesting customer's location; the terminating points of such calls would be at a BellSouth Traffic Operators Position Switch ("TOPS") location within BellSouth's HPNA serving area for the originating line.

6. BellSouth has achieved regulatory commission approval of its NDA service in other states. Such service is effective in Kentucky (9/1/97), Louisiana (10/14/97) and Mississippi (9/30/97). Filings are pending commission approval to commence NDA in Georgia (11/22/97) and Alabama (12/13/97).

7. The provision of NDA services by Bell Operating Companies ("BOCs") like BellSouth is not prohibited under applicable law. The provisions of such service is not prohibited by the Communications Act of 1934, as amended by the Telecommunications of Act of 1996, 47 U.S.C. §151 et seq. (the Act). Specifically, the provision of NDA service by BellSouth would not violate §271 of the Act. Nothing in the statutory construction of the Act supports a reading that §271 applies to NDA service. NDA service is neither an enhanced service nor an information service. Instead NDA service is an adjunct-to-basic service as determined by the Federal Communications Commission ("FCC")¹ Such services meet the literal definition of enhanced services, but are otherwise "basic" in purpose and use.² These services 'facilitate use of the basic network

¹ Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, cc Docket No. 96-149, FCC 96-489, at ¶ 107.

² See, North American Telecommunications Association Petition for Declaratory Ruling Under Section 64.702 of the Commission's Rules Regarding the Integration of Centrex, Enhanced Services, and

without changing the nature of the basic telephone service.³ Finally, as an adjunct-to-basic offering, the provision of NDA service through the use of the 411 code does not trigger obligations under the FCC's *N11 Order*⁴ which provides in pertinent part that "a [local exchange company] may not itself offer enhanced services using a 411 code...unless that LEC offers access to the code on a reasonable, non-discriminating basis to competing enhanced service providers."

8. The NDA contemplated herein by BellSouth would work as follows. Provided the state, city and name, BellSouth searches for, retrieves and returns any requested, available listed telephone number in the United States. This would include numbers for customers located within the state of Florida but outside the HNPAs of the originating line.

Upon dialing either 411 or HNPAs 555-1212, customers are prompted by an automated announcement which asks, "What State?", then "What City?" and then "What Listing?". If the customer requests a listing in the Company local and/or HNPAs serving area of the originating line, the call will be routed to the same Directory Assistance ("DA") operator center that currently provides service on such DA listing requests. Rates and charges for these calls will be applied as they are today. If the customer requests a listing that is outside the Company's

Customer Premises Equipment, ENF No. 84-2, 101 FCC 2d 349, 359 (1985) ("NATA/Centrex Order"), aff'd on rec., 3 FCC Rcd 4385 (1988).

³ NATA/Centrex Order 101 FCC 2d at 359

⁴ *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, First Report and Order, CC Docket No. 92-105, FCC 97-51 (rel. Feb. 19, 1997) (petitions for reconsideration or clarifications pending) ("*N11 Order*") (emphasis added).

local and HNPA serving area of the originating line, the call will be routed to BellSouth's NDA operator center.

For those requests that will be NDA operator served, BellSouth's database will be queried if the listing is in the nine state BellSouth region. For requests of listings outside BellSouth's region reaching NDA, a third party database will be queried by BellSouth's NDA operator. In all cases, customers will be entitled to receive two requests per call.

9. If the relief sought hereunder is granted, consumers in Florida would be the primary beneficiaries. Currently, a DA customer must make two calls to obtain a listing for which the area code is not known - one call to directory assistance to get the area code and a second to get the number. If the area code for the number they seek is different from their own, in most cases the customer must reach an IXC carrier operator to obtain the distant listing. Today, Florida customers doing this incur BellSouth's DA charge to obtain the correct Area Code, and then incur the IXC's DA charge when they dial 1-NPA-555-1212 to obtain the telephone number.

NDA will be more cost effective for customers. One call to NDA at less than current IXC charges will provide the requested listing.

Customers who dial 411 or 1-HNPA-555-1212 and request listings within their local and/or HNPA serving area will continue to receive service at the current rates and call allowance levels for local calling area request types. Only calls for numbers outside the HNPA would be treated differently.

10. Granting the relief BellSouth seeks will promote competition.

Waiver of the Commission's rules will allow a telecommunications provider other than an IXC to provide directory listings outside the NPA of the originating line thereby promoting competition and conferring a beneficial advantage upon telecommunications customers in Florida.

11. Granting of a waiver in this matter is consistent with the Legislature's mandate of "eliminating unnecessary regulatory restraint." Section 364.01(4)(g), Fla. Stat.

WHEREFORE, BellSouth respectfully requests the Commission to issue a waiver of Rule 25-4.115, Florida Administrative Code, and authorize BellSouth to provide NDA in Florida.

Respectfully submitted this 26th day of November, 1997.

BellSouth Telecommunications, Inc.

Robert G. Beatty (r)

Robert G. Beatty

Nancy B. White

Gregory D. Artis

c/o Nancy H. Sims

150 S. Monroe Street, Ste. 400

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(305) 347-5561

CERTIFICATE OF SERVICE
UNDOCKETED - Petition of BellSouth Telecommunications, Inc.
for Waiver of Rule 25-4.115, F.A.C.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by
Hand-Delivery this 26th day of November, 1997 to the following:

Division of Legal Services
Staff Counsel
Florida Public Service Comm.
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Gregory D. Artis (KR)
Gregory D. Artis