

ORIGINAL



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February 12, 1998

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

980031-TL

Re: Petition of Sprint-Florida, Incorporated for a Waiver
of Rule 25-4.115, F.A.C.

Dear Ms. Bayo:

Enclosed for filing is the original and fifteen (15) copies
of Sprint-Florida, Incorporated Petition for a Waiver of
Rule 25-4.115, F.A.C..

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

Thank you for your assistance in this matter.

Sincerely,

Charles J. Rehwinkel / JH

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

Charles J. Rehwinkel
CJR/th
Enclosures

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
02168 FEB 12 98
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Sprint-)
Florida, Incorporated)
for a waiver of Rule)
25-4.115, F.A.C.)
_____)

Filed: February 12, 1998

Docket No. 980231-TL

PETITION OF SPRINT-FLORIDA, INCORPORATED FOR A WAIVER

COMES NOW SPRINT-FLORIDA, INCORPORATED ("Sprint-Florida" or "Sprint"), pursuant to Commission Rule 25-22.036, F.A.C. and Section 120.542, Florida Statutes, and files this request for a waiver from the provisions of Rule 25-4.115, F.A.C. which currently prohibits Sprint-Florida, in its capacity as a local exchange company is prohibited from providing directory assistance service with respect to subscribers whose telephone numbers are outside the Home Numbering Plan Area ("HNPA") of the caller. In support, Sprint-Florida states as follows:

I. The petitioner is:

Sprint-Florida, Incorporated
Box 165000
Altamonte Springs, Florida 32716

DOCUMENT NUMBER-DATE
02168 FEB 12 1998
FPSC-RECORDS/REPORTING

II. The petitioner is represented by:

Charles J. Rehwinkel
General Attorney
Sprint-Florida, Incorporated
P.O. Box 2214
MS: FLTLHO0107
Tallahassee, Florida 32301

III. Applicable Rule:

Petitioner seeks relief from the provisions of Rule 25-4.115(3) which suggests that Sprint-Florida, in its capacity as a local exchange company from providing directory assistance service with respect to subscribers whose telephone numbers are outside the Home Numbering Plan Area ("HNPA") of the caller.

IV. Statutory Authority:

The subject rule(s) cites as authority Sections 350.113, 364.336 and 364.337(4), Florida Statutes as the law being implemented. At this time, the Petitioner is unaware of any additional statute implemented by the rule.

V. UNDERLYING STATUTE:

Section 120.542(1) requires that the waiver request demonstrate that the "purpose of the underlying statute will be or has been achieved by other means by the person." The cited statutory bases for the rule are sections 364.03 and 364.04, Fla. Stat. Only 364.04, which deals generally with the filing and inspection of tariffs, is currently applicable to Sprint pursuant to section 364.051. Sprint submits that the true underlying statutory purpose served by the granting of the waiver 364.01 generally which requires the Commission to take steps to encourage competition for the benefit of consumers.

VI. FACTUAL BASIS FOR RELIEF:

Pursuant to Rule 25-4.115, the provision of directory assistance by Sprint-Florida, 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 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 interexchange companies..." Rule 25-4.115(3), F.A.C.

Sprint has developed a National Directory Assistance ("NDA") service which it desires to provide to its customers in Florida on a HNPB basis. Sprint NDA would enable Sprint-Florida's customers to obtain telephone numbers of individuals in unknown and/or distant area codes with a single call to either 411 or HNPB-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 Sprint-Florida Traffic Operators Position Switch ("TOPS") location within Sprint's serving area for the originating line.

The provision of NDA services by Sprint is not prohibited under applicable law. The provision of such service is not prohibited by the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.*, ("The Act"). Specifically, the provision of 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 without changing the nature

¹Implementation 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.

²See, 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 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).

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 Order⁴ 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."

The NDA contemplated herein by Sprint-Florida, would work as set out below. Provided the state, city and name, Sprint 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 HNPA of the originating line.

Upon dialing either 411 or HNPA 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 HNPA serving area of the originating line, the call will be routed to the same Directory Assistance ("DA") operator center that currently provides

³NATA/Centrex Order 101 FCC2d 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)

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

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

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 Sprint'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.

Granting the relief sought will promote competition. Waiver of the Commission's rules will allow a telecommunications provider other than IXC to provide directory listings outside the NPA of the originating line, thereby promoting competition and conferring a benefit upon telecommunications customers in Florida.

Granting of a waiver in this matter is consistent with the underlying statutory mandate in section 364.01, Fla. Stat., of encouraging competition and eliminating unnecessary regulatory restraint.

The Commission has pending before it a nearly identical petition by BellSouth Telecommunications, Inc. in docket No. 971560-TL. Sprint has modeled its request for a waiver on BellSouth's filing, because Sprint would propose to offer a very similar service. The Commission's decision in that

docket should effectively guide the result in this case as well.

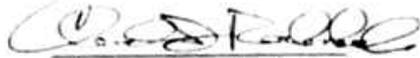
Sprint also requests that, if the waiver request of BellSouth is granted, that, consistent with the noticing requirements of Section 120.542(6), the Commission act as expeditiously as possible to issue its decision in this matter. Furthermore, because Sprint will be ready to implement this service in May, a reduced protest period is requested pursuant to Rule 25-22.029(2), F.A.C. which allows the Commission to establish the protest period at 14 days for good cause shown. Sprint submits that the fact that Sprint is ready to bring this service to its customers so that they can receive the benefits of the marketplace is good cause for shortening the time a final order can be issued.

WHEREFOR, in consideration of the above, Sprint respectfully requests that the Florida Public Service Commission:

- (1) Issue a waiver of Rule 25-4.115, Florida Administrative Code, and authorize Sprint-Florida, to provide NDA in Florida; and
- (2) Consistent with any waiver granted in Docket No. 971560-TL (BellSouth waiver request) rule as expeditiously as possible within the limitations of the statute and issue the Notice of Proposed Agency Action

with a protest period of 14 days as provided for in Rules 25-22.029(2),
F.A.C.

RESPECTFULLY SUBMITTED this 12th day of February 1998.



Charles J. Rehwinkel
General Attorney
Sprint-Florida, Incorporated
P.O. Box 2214
MC FLTLHO0107
Tallahassee, Florida 32301