

ORIGINAL



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March 13, 1998

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. 970526-TP Brief of Sprint-Florida,
Incorporated

Dear Ms. Bayo:

Enclosed for filing is the original and fifteen (15) copies
of Sprint-Florida, Inc.'s Brief.

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,

ACK _____

AFA _____

APP _____

CAF _____

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CZ _____

Charles J. Rehwinkel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Generic Consideration of
incumbent local exchange (ILEC)
business office practices and
tariff provisions in the
implementation of IntraLATA
presubscription.**

DOCKET NO. 970526-TP

FILED: March 13, 1998

BRIEF OF SPRINT-FLORIDA, INCORPORATED

As to Sprint, the issue before the Commission is whether the language used by Sprint-Florida, Incorporated (Sprint-LEC) when advising customers of their rights and obligations in designating a presubscribed carrier for IntraLATA Toll Service is appropriate.

The background of this Docket is cited in Order No. PSC-96-1569-FOF-TP ("BellSouth Order") at 2-3. The Order that resulted in this proceeding was based on the resolution of a complaint filed against BellSouth by the Florida Interexchange Carriers Association (FIXCA). The complaint was based in part on BellSouth's alleged actions and tariff filing(s) that (1) suggested ownership of the IntraLATA toll calling area through use of the phrase "BellSouth Calling Zone;" (2) involved a BellSouth plan to market its own IntraLATA service while naming other carriers if requested; and (3) involved encouragement of service representatives to position themselves as consultants and then emphasize BellSouth offerings. BellSouth Order at 4-5.

Based on the extensive evidentiary record in that docket, the complaint was resolved on a 3-2 vote (with Commissioners Clark and Deason dissenting) requiring that:

- 1. BellSouth shall advise customers that due to the newly competitive**

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environment they have an option of selecting a long distance carrier for their local toll calls (calls made within a local calling zone to nearby communities).

2. BellSouth shall offer to read to the customer the list of available carriers. If the customer responds affirmatively, then the list shall be read.
3. If the customer declines, then the customer service representative shall ask the customer to identify the carrier of choice. If the customer's response is ambiguous or non-committal, the service representative shall offer to read the list of available carriers and encourage the customer to make a selection. If the customer does not want to make a selection, the customer shall be advised that he must dial an access code to reach an intraLATA carrier each time he makes an intraLATA call until a presubscribed carrier is chosen.

The order further provided that:

The prompts set forth above shall give customers an opportunity to make an informed decision regarding the available intraLATA toll service providers. BellSouth shall not be allowed to market its intraLATA toll service unless the customer introduces the subject.

BellSouth order at 6 [Emphasis Added].

The relevant script portion that Sprint uses is contained in the testimony of Sprint witness Sandra Khazraee. After informing the new customer of the need to choose an intraLATA carrier, the service representative states:

I am required to read you a list of the companies *in addition to us* who can carry these calls if you wish.

In the stipulation process that resolved most of this docket, objection was raised regarding the four words "in addition to us." Thus, the parties agreed to brief the matter.

Sprint believes it is clear that the circumstances of this case are vastly different from the actual complaint that gave rise to a set of mandated customer contact protocols. It is clear from the record of this case that no complaint was lodged against Sprint. It has not been suggested that Sprint has been engaging in actions that would suggest ownership of the intraLATA market. No marketing efforts are built into the disclosure of options for intraLATA Toll. The Sprint name is not used in the script.

Sprint urges the Commission to give careful consideration to the principle underlying the three customer contact prompt guidelines contained on page 6 of the BellSouth order. In that case the Commission indicated a desire to insure that customer have "an opportunity to make an informed decision regarding the available intraLATA toll service provider". The key is that an informed decision occur. Information ultimately nourishes a competitive market.

The language Sprint utilizes strikes an appropriate balance between maintaining neutrality and informing. Because Sprint affiliates provide both inter- and intra-LATA toll service and the Sprint-LEC only provides toll on an intraLATA basis, omission of the disputed phrase could lead a customer - - who has also had to choose an interLATA carrier— to believe that the Sprint-LEC is NOT an intraLATA Toll provider. This can create confusion. Ultimately the marketplace is hindered. Also, since the Sprint name is not mentioned in the script and the prompt is not accompanied by a marketing pitch, appropriate neutrality is maintained.

Sprint further submits that interLATA presubscription has existed for nearly 10 years in most areas. Customers are becoming more informed about the number and names of traditional IXCs who provide toll service. Sprint believes the Commission should evaluate the maturity of the intraLATA marketplace. Specifically the FPSC should evaluate changes in market share, total number of customers making

intraLATA provider changes and any other information regarding the level of customer knowledge, education and sophistication. Evaluation of this information will allow the Commission to make a decision on the true issue of whether the intraLATA marketing restrictions embodied in the BellSouth Order need to be maintained for ILECs in Florida. Sprint believes this opportunity will be afforded as early as June 18, 1998 when BellSouth's petition to lift these very restrictions goes to hearing.

Because the language in Sprint's script is neutral and falls far short of any alleged BellSouth practices that drew a complaint, the Commission should refrain from disturbing Sprint's current practice. The record in this case does not demonstrate that Sprint's script approaches the nature of the alleged action that gave rise to the FDCA/BellSouth complaint. Without such a demonstration or any evidence of harm in the marketplace, the Commission should refrain from ordering a change to Sprint's script. Any action should await a decision in a proceeding that Sprint believes will show that the intraLATA marketplace is sufficiently robust and that any continuing restrictions will be unnecessary.

Wherefore, for the above stated reasons, Sprint-Florida, Incorporated urges this Commission to leave undisturbed Sprint's intraLATA script.

Respectfully submitted this 13th day of March, 1998.



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**CERTIFICATE OF SERVICE
DOCKET NO. 970526-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 13TH day of March, 1998 to the following:

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