

MEMORANDUM

May 1, 1998

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2:40  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *CJMB*

RE: DOCKET NO. 971560-TL - PETITION BY BELLSOUTH  
TELECOMMUNICATIONS, INC. FOR WAIVER OF RULE 25-4.115,  
F.A.C., DIRECTORY ASSISTANCE, AND FOR AUTHORIZATION TO  
PROVIDE NATIONAL DIRECTORY ASSISTANCE (NDA) IN FLORIDA.

98-0615-PCD-TL

Attached is an ORDER REVISING ORDER ESTABLISHING PROCEDURE, to  
be issued in the above-referenced docket. (Number of pages in  
order - 3)

CJP/slh  
Attachment  
cc: Division of Communications  
I: 971560ro.cjp

**MUST GO TODAY**

3/0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for waiver of Rule 25-4.115, F.A.C., Directory Assistance, and for authorization to provide National Directory Assistance (NDA) in Florida.

DOCKET NO. 971560-TL  
ORDER NO. PSC-98-0615-PCO-TL  
ISSUED: May 4, 1998

ORDER REVISING ORDER ESTABLISHING PROCEDURE

Order No. PSC-98-0522-PCO-TP, establishing procedure in this proceeding, was issued April 16, 1998. In a meeting with staff held on April 20, 1998, the parties agreed that the issues to be resolved in this proceeding could be resolved by a hearing pursuant to Section 120.57(2), Florida Statutes. The parties further agreed to address their positions to the Commission at the agenda conference at which the Commission would consider the recommendation of staff.

The parties have also agreed that the issues to be resolved in this proceeding are the following ones:

Issue 1: Is the provision of National Directory Assistance a permissible activity for BellSouth Telecommunications, Inc., under the Modified Final Judgment and Section 271(f) of the Telecommunications Act of 1996?

Issue 2: Is the provision of National Directory Assistance service an incidental interLATA service as defined in Section 271(g) of the Telecommunications Act of 1996, which BellSouth Telecommunications, Inc., may offer pursuant to Section 251(b)(3) of the Telecommunications Act of 1996?

DOCUMENT NUMBER-DATE

04975 MAY-48

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Issue 3: Is the provision of National Directory Service an adjunct-to-basic service, and therefore a permissible activity for BellSouth Telecommunications, Inc.?

Issue 4: Is BellSouth Telecommunications, Inc.'s use of 411 for access to National Directory Assistance in violation of Order FCC 97-51 and therefore an unreasonable practice under Section 201(b) of the Telecommunications Act of 1996?

Finally, the parties have agreed to submit briefs on the foregoing issues by June 15, 1998.

Accordingly, Order No. PSC-98-0522-PCO-FOF is hereby revised to reflect that the issues in this proceeding as stated herein are to be resolved in a hearing conducted pursuant to Section 120.57(2), Florida Statutes. The parties shall submit briefs on these issues by June 15, 1998.

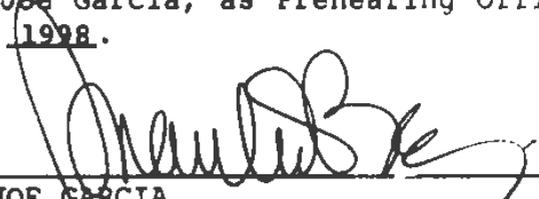
Based on the foregoing, it is, therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Order No. PSC-98-0522-PCO-TL is revised as herein described. It is further

ORDERED that the provisions of Order No. PSC-98-0522-PCO-TL not inconsistent with this Order are hereby affirmed.

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By ORDER of Commissioner Joe Garcia, as Prehearing Officer,  
this 4th day of May, 1998.



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JOE GARCIA  
Commissioner and Prehearing Officer

( S E A L )

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.