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October 23, 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. ^{980671-TL}~~980733-TL~~

Dear Ms. Bayo:

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

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,

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CJR
FPSC-BUREAU OF RECORDS

Charles J. Rehwinkel
Charles J. Rehwinkel

CJR/bs

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FPSC-DIVISION OF RECORDS AND REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Review of) DOCKET NO. 980671-TL
Proposed Numbering Plan)
Relief for the 407 Area Code) FILED: OCTOBER 23, 1998
_____)

POSTHEARING STATEMENT OF SPRINT-FLORIDA, INCORPORATED

Sprint-Florida, Incorporated (Sprint or Company) hereby files its posthearing brief in this matter. Sprint's presentation of posthearing comments will follow the issues as set out in the prehearing order with the issue and position stated and argument following.

I. Statement of Basic Position

Sprint's basic position remains unchanged. The Florida Public service Commission (FPSC or Commission) heard compelling testimony from customers who have widely varying views on the various alternatives. Even so, Sprint agrees with the consensus Industry Recommendation resulting from the Industry Meeting held March 31, 1998, to implement 407 NPA relief utilizing a single overlay plan. For local and EAS/ECS calls, a 10-digit dialing pattern would be mandatory with the overlay solution. Toll calls should be dialed on a 1+ 10 digit dialing pattern.

II. Issues

Issue 1: Should the Commission approve the industry's consensus

overlay plan for 407 area code relief, and if not, what relief plan should it approve?

Position: Yes. The overlay plan in this particular case is a rational solution which will provide the most long term benefits and make it easier to add future area codes which will clearly be needed in this high growth area.

Issue 2: What should the dialing pattern be for the following types of calls? A. Local b. Toll c. EAS d. ECS

Position: A 10-digit dialing pattern is mandatory for local and EAS/ECS calls with the overlay solution. Toll calls should be dialed on a 1+10-digit dialing pattern.

III. Argument:

A. Introduction.

As set out in Sprint's basic position, the Company believes that the overlay (Alternative 1) is the optimal solution. Sprint's takes this position because it is the least disruptive to the existing customers in terms of number changes required, continuity of existing communities of interest, next exhaust date, customer dialing confusion and network changes. Sprint has acknowledged that the ultimate factor for consideration is what is in the best interests of the residents of the existing 407 area code. This factor should be measured in terms of both public input and expertise provided by industry and the Commission staff. Public testimony alone cannot guide this decision affecting the long-term

telecommunications needs of millions of Central Florida residents.

Throughout this process Sprint has remained open to the concerns and wishes of the customers. The FPSC has gone to extensive lengths to hear from the customers by taking testimony on at least four occasions. Customer reaction was mixed in these hearings. Without cataloging each of the customers' positions, Sprint would summarize the opinions of the customers who came out to testify as falling in several distinct categories. First, there were customers representing the various communities surrounding greater Orlando. Each of these customers sought the adoption of whichever option seemed to best solidify or maintain their identity with Orlando and presumably the existing 407 area code. Second, there were customers who strongly identified with the Brevard County/Spacecoast and requested their own area code (for Brevard County), with retention of the 407 number, if possible. Third, there were a relatively smaller number of proponents of an overlay. Finally, there were customers (Deltona and Barefoot Bay) who raised issues associated with existing NPA boundary difficulties.

The commission's unavoidable duty in this proceeding is to select the number relief plan that is best for the Central Florida community, as a whole, consistent with the constraints of law. These constraints are the provisions of Chapter 120 and 364, Fla. Stat. and certain provisions of federal law, including the rules and decisions of the Federal Communications Commission (FCC). Of these legal requirements, the FPSC will be most constrained by the federal requirement that the Commission exercise its role in fashioning numbering relief in a manner consistent with the FCC's rules. See, 47 C.F.R. § 52.19(b). The FCC has

strongly suggested that this includes adherence to the Industry Numbering Committee (INC) Planning & Notification Guidelines (INC Guidelines). *See New York Department of Public Service Petition for Expedited Waiver of 47 C.F.R. Section 52.19 (c)(3)(ii), Order at 5, DA 98-1434, NSD File No. L-98-03 (Com. Car. Bur., rel. July 20, 1998).*

Beyond basing its decision on competent substantial evidence in the record, there are no other definitive parameters for the FPSC set out in Florida Law or in the FPSC's prior NPA relief decisions. Sprint submits that the unique characteristics of the Orlando area do not allow meaningful comparisons to the Commission's prior decisions relating to area code relief.

Sprint urges the Commission to base its decision on more than the emotional or parochial interests of individual communities and to also focus significantly on the factors presented in the expert testimony of witnesses Khazraee, Foley (Sprint), Benson (BellSouth) and Merrick (Vista). All four witnesses were in agreement that the overlay would be an acceptable method of providing relief. (Tr. 149-151 (Benson); 218 (Khazraee); 234 (Foley); 252 (Merrick)) BellSouth also affirmatively supports Alternative 7. Sprint takes the position posthearing that Alternative 4 provides an acceptable (though less preferred) alternative to the overlay. Vista has taken the position that Alternative 4 and 7 should be considered by the Commission. (Tr. 252)

Sprint's recommendation is presented principally on the basis of technical considerations in the record. Due to the mixed nature of the

turnout, it is very difficult for Sprint to try to take positions favoring one community over another. Customer and community conflicts are another primary reason why an overlay seems a logical option for Sprint to support. The Company has not tried to contradict or question this testimony. Instead we urge that it be considered in perspective. The unique calling characteristics in fact call for this departure our corporate position that does not usually favor an overlay. (Tr. 218)

The technical guidelines for evaluating the various alternatives are found in the INC Guidelines. (Exh. 3, p. 6) Section 5.0 (NPA Relief Planning Process) contains eight guidelines, three of which are most relevant to the Commissions task. These are:

A) The relief option shall cover a period of at least five years beyond the predicted date of exhaust, and shall cover more than one relief activity, if necessary, during the time frame.

(F) For each relief activity proposed in the plan, it is recommended that the customers who undergo number changes shall not be required to change again for a period of 8–10 years.

(H) In the long term, the plan shall result in the most effective use possible of all codes serving a given area. Ideally, all codes in a given area shall exhaust about the same time in the case of splits. In practice, this may not be possible, but severe imbalances, for example, a difference in NPA lifetimes of more than 15 years, shall be avoided.

Furthermore, Section 2.4 of the INC Guidelines instructs that the development of the guidelines involves an assumption that “the relief plan

chosen will seek to minimize end users' confusion while balancing the cost of implementation by all affected parties.” [Emphasis added] Finally, Appendix B contains issues to be considered during NPA relief planning. This list covers the costs and interests to be balanced.

Of the ten alternatives under the straight-line growth assumptions¹, none meet guideline 5.0(A) which requires the alternatives to cover at least five years beyond the date of exhaust. (Exh. 3, page 12). Option 1 (overlay) comes closest at 4.8 years. Under the conservation growth assumptions, Alternatives 1, 3, 4, 5, 6 and 10 comply with guidelines 5.0(A) (five-year minimum) and 5.0(H) (less than 15-year disparity). Of these, only Alternatives 1 and 4 are supported by expert testimony. Alternatives 3, 6 and 10 isolate significant communities of interest as discussed below. None received significant customer support.

B. The Overlay Option

Sprint believes that the record overwhelmingly supports adoption of Alternative 1. Under the straight-line growth assumption, the overlay comes the closest to meeting all criteria. Under the conservation growth assumption, the overlay provides the optimal relief period for all customers – 8.3 years. Alternative 4 is next best at 7.5 and 9.3 years for the two areas.

The only negative aspect of the overlay is the mandatory 10-digit dialing

¹Witness Milby, from the North American Numbering Plan Administrator, presented two growth scenarios. One assuming straight-line growth and the other assuming that growth drops off 50% after the year 2000 (referred to herein as conservation growth). (Tr. 14-15)

requirement. 47 C.F.R. 52.19 (3)(ii)². Whether this is truly a negative or simply a fact that customers all over the country are getting used to remains to be seen. Customer reaction against the overlay plan was uniformly focused on concern over 10-digit dialing. Not mentioned (or possibly misunderstood) is the fact that a very significant number of routes under Alternatives 4 and 7 will require 10-digit dialing when calling across NPA boundaries. As demonstrated in Late Filed Exhibits 8 and 9, there are 90 routes³ originating from Sprint exchanges inside the current NPA. Fifty-three of those 90 routes (Alternative 4) and 49 of the 90 (Alternative 7) would require 10-digit dialing⁴.

Sprint suggests that any benefit to avoiding uniform, NPA-wide 10-digit dialing is lost when the most viable geographic splits would entail 10-digit dialing on a significant number of routes. As BellSouth witness Benson suggests (TR. 152), partial 10-digit dialing could be more confusing. Introducing such confusion would be inconsistent with the INC Guidelines (Sect. 2.4).

² It reads: "No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code."

³Sprint's L.F.Exh. 9 omitted the outward calling from the Windermere exchange. However, the information can be found on BellSouth's L.F. Exh. 8. The BellSouth information must be adjusted consistent with the notation in L.F. Exh. 8 that the 10 digit dialing required under the geographic split scenarios should include elimination of protected codes under the INC Guidelines where all inter-NPA calling occurs. There are 16 such Sprint-originating routes in the 407 NPA

⁴This figure is derived from Sprint's adherence to the INC Guidelines regarding eliminating code conflicts. If the 16 existing, inward inter-NPA routes (i.e. originating outside the 407 NPA) are also included, the figures are 69/106 (Alternative 4) and 65/106 (Alternative 7). If the FPSC makes no effort to eliminate code conflicts, then the Sprint-originating 10 digit dialing routes under a split alternative would be reduced 38/90 and 33/90, respectively.

The uncertainty of differential dialing in this part of Central Florida is what likely leads to the “17-digit”, trial-and-error dialing situation in Dade County referred to by Commissioner Garcia (TR. 38, Melbourne 9/25). Thus, Sprint suggests that 10-digit dialing associated with the overlay is not as ominous a change as portrayed or feared. This is especially true in light of the marginal ability to avoid 10-digit dialing in any split alternative. Because of the inevitability of the impending number exhaust, Sprint urges that the overlay be given serious, objective consideration. Sprint further urges that the Commission be very careful that any alternative not considered in the hearing (but possibly considered at the time of voting) be evaluated for 10 digit dialing, especially if the primary motivation for avoiding an overlay is the dialing pattern.

C. Sprint “Alternative.”

As suggested above, the only geographic split that Sprint would (reluctantly) recommend is Alternative 4. This is not a particularly desirable option because it would disrupt the strong geographic identity and community of interest between Orlando and the large communities to the north. The advantage to the plan is that the projected life of Alternative 4 is the most balanced of all the splits. It also is somewhat less disruptive to business customers than Alternative 7. (TR. 232). This would mean relatively lower reprinting costs for those Sprint customers. Even so, this plan lags behind Alternative 1 due to customer impacts, lack of public support and minimal avoided 10-digit dialing advantages.

D. Other Alternatives.

The remaining split alternatives suffer similar deficiencies. Alternative 7 would separate the Kissimmee area and the theme park areas from Orlando. As Sprint witness Foley testified, nearly twice as many business customers would undergo a number change under Alternative 7. (TR. 232). Again, significant 10-digit dialing would be required. Somewhere between 36 and 54 percent of Sprint-originating local calling (EAS and ECS) routes would require 10-digit dialing under this plan.

Although not recommended by any industry expert, Alternatives 5, 6 and 10 would split the city of Ocoee into two area codes. Mayor Vandergrif testified passionately against an option that would split the city (Tr. 67-70, Orlando 9/24). This is the same situation that occurred many years ago in the City of Deltona. The Commission heard of the difficulties that will need to be sorted out in that area.⁵ Sprint strongly urges that the city of Ocoee not be split into two NPAs.

Alternative 2 would separate the Kissimmee area and half of Vista's territory from Orlando and violate the INC Guidelines (<15 year disparity). Alternative 3 would provide adequate relief time frames, but separate the northeastern communities from Orlando. The record does not indicate the 10-digit dialing impact. Alternative 9 violates the INC guidelines (5.0(a) and 5.0(h)).

E. MCI Concerns.

⁵Sprint is willing to work with the City of Deltona, the FPSC and BellSouth to find solutions to the very legitimate concerns raised by the city. The time constraints of this docket do not allow a full exploration of the solutions, but the Company commits to working toward a resolution of the problems.

To briefly address the concerns raised by MCI, the conditions contained in witness Brooks testimony for an overlay are being met or cannot reasonably be met within the exhaust time frame. (Tr. 200-202). It does not appear that MCI's objections to an overlay are significant in this particular case. In any event, the concerns raised by MCI should not prevent an overlay from being ordered.

F. Brevard County.

Sprint has no position on a separate NPA for Brevard except to note that any Brevard only solution will likely not meet the disparity criteria and would force another area to undergo another change very quickly. To the extent that Brevard County is combined with another area the Commission would create a split in communities of interest and geographic identity as well as create 10 digit dialing on routes.

G. Conclusion.

In conclusion, Sprint believes that the extensive network of EAS and ECS calling in the Central Florida area creates conflicts among communities. The public hearings were a success from the standpoint of getting customer comment. Nevertheless, individual customers and local representatives almost uniformly sought to advocate preservation of their status almost uniformly at the expense of another area. There is nothing unusual about this phenomenon. Unfortunately it puts the Commission in the untenable position of having to choose among the more deserving. The most logical solution is to implement an overlay that only marginally increases the 10 digit dialing requirement and does so in a way that will be ultimately less

confusing. The FPSC can take note of its own accord that overlays are gaining acceptance throughout the country. In Central Florida, given the inevitability of change and the price of growth, there appears to be little practical alternative.

Respectfully submitted this 23rd day of October, 1998.



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CERTIFICATE OF SERVICE
DOCKET NO. 980733-TL

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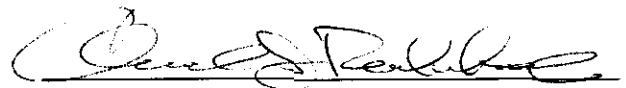
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