

VOTE SHEET

December 1, 1998

Issue: 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.

Issue 1: Is the provision of NDA service a permissible activity for BellSouth under the MFJ and Section 271(f) of the Telecommunications Act?

Recommendation: No. Section 271(f) only permits the grandfathering of certain activities under specific waivers from the MFJ. BellSouth does not hold a waiver under the MFJ for the provision of NDA service. Without a waiver, the provision of NDA service is not a permissible activity under the MFJ or Section 271(f) of the Act.

**DENIED**

*Commissioner Jacobs dissents*

COMMISSIONERS ASSIGNED: DS GR JC

COMMISSIONERS' SIGNATURES

MAJORITY

*[Handwritten signatures for majority]*

DISSENTING

*[Handwritten signature]* /SSHE/

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

14191 DEC 18 98

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Issue 2: Is the provision of NDA service an incidental interLATA service as defined in Section 271(g) of the Act, which BellSouth may offer pursuant to Section 251(b)(3)?

Recommendation: No. The provision of NDA service is not an incidental interLATA service as defined in Section 271(g) of the Act.

**APPROVED**

Issue 3: Is the provision of NDA service an adjunct-to-basic service, and therefore a permissible activity for BellSouth?

Recommendation: No. NDA service is not an adjunct-to-basic service; therefore, it is not a permissible activity for BellSouth.

**NO VOTE**

Issue 4: Is BellSouth's use of 411 to obtain access to NDA in violation of Order No. FCC 97-51 and therefore an unreasonable practice under Section 201 (b) of the Act?

Recommendation: No. BellSouth is not precluded by Order No. FCC 97-51 and the Act from offering NDA using the 411 access code. BellSouth's proposal for NDA using the 411 access code would only constitute an unjust and unreasonable practice pursuant to Section 201(b) of the Act, if BellSouth fails to make NDA available through resale or unbundled network elements.

In light of staff's recommendations in Issues 1, 2, and 3, however, BellSouth may not offer NDA by means of 411 or by any other means at this time.

**APPROVED**

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Issue 5: Should this docket be closed?

Recommendation: Yes.

**APPROVED**