



**GTE SERVICE CORPORATION**

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

December 31, 1998

Re: Docket No. 982019-77  
Petition of GTE Florida Incorporated for Waiver of Rule 25-4.115, Florida  
Administrative Code

Dear Ms. Bayo:

Please find enclosed for filing an original and fifteen copies of GTE Florida Incorporated's Petition for Waiver of Rule 25-4.115, Florida Administrative Code. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (813) 483-2617.

Sincerely,

Kimberly Caswell

KC:tas  
Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of GTE Florida Incorporated )  
for Waiver of Rule 25-4.115, Florida )  
Administrative Code )

Docket No. 982019-72  
Filed: December 31, 1998

**GTE FLORIDA INCORPORATED'S PETITION  
FOR WAIVER OF RULE 25-4.115**

GTE Florida Incorporated (GTE) asks the Commission to waive its Rule 25-4.115 to permit GTE to provide national directory assistance (NDA). Rule 25-4.115, as the Commission has interpreted it, would prohibit GTE in its capacity as a local exchange company (LEC) from providing directory assistance (DA) listings for subscribers whose telephone numbers are outside the caller's home numbering plan area (HNPA). In an Order issued May 14, 1998, this Commission granted a similar request for waiver from Sprint Florida Incorporated (Sprint), allowing Sprint to provide NDA. (Order No. PSC-98-0665-FOF-TL ("Sprint Order").) GTE asks the Commission to apply the same rationale to GTE's waiver request.

With GTE's NDA service, a customer would call 411/1+411 for local DA and could obtain not only local numbers, but out-of-franchise, national numbers and/or customer names and addresses within the United States. When GTE's automated response system answers the 411/1+411 call, the customer will be prompted to give the desired city and listing. If the listing could be out of state, the operator will prompt for clarification. The operator will then ask the customer to hold for the listing before releasing the caller to the

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automated system to provide the number(s) requested.

NDA will be available from residence, business, and coin lines. GTE's systems will differentiate local from national listing requests and will create the appropriate call record to bill distinctly for local DA and national DA. Local directory assistance charges and call allowances will remain the same and unchanged by this new offering. NDA charges will be \$.95 for up to two listings per call, with no call allowances. The \$.95 charge will also apply for up to two customer name and address requests, whether local or national.

Customers who want more than two listings per call will have to hang up and redial to obtain more listings. In the event a customer requests one local listing and one national listing, the customer will be billed as though he requested only the national listing (i.e., the \$.95 charge), but there will be no deduction from his local call allowance.

This waiver request satisfies the requirements of Florida Statutes, chapter 120.542. That section provides that rule waivers will be granted when the petitioning party demonstrates that the purpose of the underlying statute will be achieved by other means and when application of the rule would create a substantial hardship or violate principles of fairness.

The underlying statute in this case (as in the Sprint NDA waiver case) is section 364.04. The section requires telecommunications companies to file with the Commission and keep open to public inspection schedules showing the rates and charges for their services. Such schedules are to state "the places between which telecommunications service will be rendered" and state separately all charges and conditions that may affect the charges.

Granting the requested waiver would not disserve the purpose of section 364.04, which is to assure public access to the tariffs of telecommunications companies (Sprint Order at 4), because GTE's NDA service will be tariffed. Furthermore, no law prohibits GTE from providing NDA. As the Commission has found, NDA is an adjunct-to-basic (rather than enhanced) service, and thus does not trigger any FCC obligations under the FCC's N11 Order. (Sprint Order at 7, citing Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Rulemaking, FCC 97-51 (Feb. 19, 1997.)) In addition, since GTE is not a Bell Operating Company, the requirements of Section 271 of the Telecommunications Act do not apply. The Commission's Rule 25-4.115 is thus the only obstacle to GTE's providing NDA.

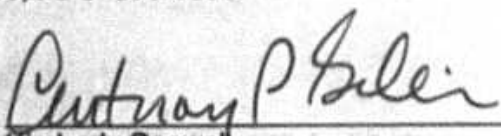
Strict application of the Rule in this instance would create a hardship for GTE (and its customers) and violate principles of fairness. Currently, interexchange carriers and Sprint can provide NDA. BellSouth will probably also soon gain this ability. Particularly given this situation, there is no reason to deny GTE's local customers the benefits of NDA. With a single call, customers will be able to obtain both local and national listings. Today, a customer who does not know the area code of a desired number must make two DA calls (and thus be charged twice), one to find the area code and another to obtain the telephone listing. If that listing is different from the caller's NPA, the customer may also have to call an IXC operator to obtain the listing. This process is more time-consuming and potentially more costly than GTE's proposed NDA.

As the Commission found in the Sprint case, granting the waiver here would be consistent with Florida Statutes, section 364.01, "whereby the Commission is called upon

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Petition for Waiver of Rule 25-4.115, Florida Administrative Code was sent via overnight delivery on December 30, 1998 to:

Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

  
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for Kimberly Caswell

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*Anthony P. Belin*  
for Kimberly Caswell



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