

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION FEB-9 PM 4:32

Petition of)	DOCKET NO.: 990132-TE	RECORDS AND REPORTING
AGI Publishing, Inc. for)		
Declaratory Statement)	FILED: February 9, 1999	
regarding Sections 364.08)		
and 364.10, Florida Statutes)		

PETITION OF AGI PUBLISHING, INC. d/b/a VALLEY YELLOW PAGES FOR DECLARATORY STATEMENT

AGI Publishing, Inc. d/b/a Valley Yellow Pages ("Valley"), through its undersigned counsel, pursuant to Section 120.565(1), Florida Statutes, and Rule 28-105.001, Florida Administrative Code, hereby files this petition for declaratory statement regarding the applicability of Sections 364.08 and 364.10, Florida Statutes, to billing and collection services for its yellow pages advertising.

- 1. The exact name and address of the Petitioner is:

AGI Publishing Inc., d/b/a Valley Yellow Pages
1850 N. Gateway Blvd., Suite 132
Fresno, CA 93727-1600
(559) 251-8888

- 2. All notices, pleadings, orders and documents in this proceeding should be provided to the following on behalf of

ACK	_____	Valley:
AFA	_____	
APP	_____	Susan Davis Morley
CAF	<u>1</u>	Patrick Knight Wiggins
CMU	<u>2</u>	Wiggins & Villacorta
CTR	_____	2145 Delta Boulevard
EAG	_____	Tallahassee, Florida 32303
LEG	_____	(850) 385-6007 (telephone)
LIN	_____	(850) 385-6008 (telecopier)
OPC	_____	James A. Varon
RCH	_____	AGI Publishing, Inc.
SEC	<u>1</u>	1850 N. Gateway Boulevard, Suite 132
WAS	_____	Fresno, CA 93727-1600
QTH	_____	(559) 251-8888 (telephone)
		(559) 251-3289 (telecopier)

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

3. The statutory provisions which are the subject of this petition are as follows:

Section 364.08(1) - A telecommunications company may not charge, demand, collect or receive for any service rendered or to be rendered any compensation other than the charge applicable to such service as specified in its schedule on file and in effect at that time. A telecommunications company may not refund or remit, directly or indirectly, any portion of the rate or charge so specified or **extend to any person any advantage of contract or agreement or the benefit of any rule or regulation or privilege or facility not regularly and uniformly extended to all persons under like circumstances for like or substantially similar service.** (Emphasis added)

Section 364.10(1) - A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

4. Petitioner Valley Yellow Pages is substantially affected by these statutes insofar as they apply to local exchange carrier billing and collection services provided to Valley by GTE Florida, Inc./GTE Telephone Operating Companies (GTE). Valley is a publisher of yellow pages advertising throughout the nation, including the GTE Florida service area.

5. GTE provides billing and collection services to Valley for yellow pages advertising pursuant to a Billing Services Agreement which became effective November 1, 1997, and was scheduled to terminate on December 31, 2000. However, GTE has notified Valley that it intends to terminate its billing and collection services to Valley on March 31, 1999.

6. GTE has issued similar letters to other billing and customer collections customers, stating that it will no longer provide billing and collection for non-telecommunication services, as part of its efforts to reduce consumer cramming complaints.

However, reports prepared by GTE as part of its Complaint Reduction Initiative indicate that GTE has received no customer cramming complaints from Valley customers.

7. Valley understands that GTE intends to continue to provide billing and collection service to GTE Directories Corporation, an affiliated company, for yellow pages advertising.

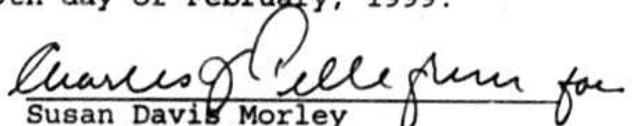
8. GTE's decision to discontinue billing and collection services to Valley in favor of Valley's competitor results in a significant competitive disadvantage to Valley. It is well-recognized that local exchange carrier billing is, for many service providers, the most cost-effective and efficient alternative to direct customer billing by those providers. In addition to reducing the expense and effort associated with producing and transmitting customer bills, use of LEC billing significantly reduces the level of uncollectible revenues. By virtue of their previously established monopoly positions in the provision of local exchange service, LECs are able to recruit billing and collection customers with guarantees of collectible rates which are substantially higher than other forms of billing, and realize substantial profits in the process. The loss of this billing mechanism will result in a significant economic detriment to Valley, and handicap its effort to provide Florida consumers with a viable alternative to traditional monopoly provider yellow pages.

8. Stated briefly, Valley believes that the statutes cited above entitle Valley to the non-discriminatory provision of billing and collection services by a monopoly provider. Valley also believes, based on the Commission's current proposals regarding

regulation of billing and collection activities, that the Commission considers these services subject to its jurisdiction under Chapter 364. GTE has advised Valley that yellow pages advertising is not a telecommunications service, and that it has no common carrier obligation to provide billing services to Valley on a non-discriminatory basis. Accordingly, Valley is requesting this Commission's opinion regarding the applicability of the above-referenced statutes to GTE's billing and collection services for its yellow pages advertising, and the Commission's jurisdiction to regulate these services.

WHEREFORE, AGI Publishing, Inc. d/b/a Valley Yellow Pages requests that the Commission issue a declaratory statement clarifying whether the provisions of Sections 364.08 and 364.10, Florida Statutes, entitle Valley to the non-discriminatory provision of billing and collection services in these circumstances for its yellow pages advertising, subject to enforcement by this Commission.

Respectfully submitted this 9th day of February, 1999.



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Counsel for AGI Publishing, Inc.
d/b/a Valley Yellow Pages

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile or U.S. Mail this 9th day of February, 1999, to the following:

Kimberly Caswell
Anthony Gillman
GTE Florida Incorporated
201 North Franklin Street
Tampa, Florida 33602


Susan Davis Morley