

ORIGINAL

March 30, 1999

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

Re: Docket 990223-TL

Dear Ms. Bayo

Enclosed are the original and fifteen (15) copies of the pre-filed rebuttal testimony of Francis J. Heaton on behalf of Wireless One Network L. P., a party in the above-referenced proceeding.

Please acknowledge receipt of these documents by stamping the extra copy of the letter "filed" and returning it to me in the enclosed self addressed envelope.

Thank you for your assistance with this filing.

Sincerely,



Francis J. Heaton  
Director - External Affairs

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_ cc known service list
- CMU \_\_\_\_\_ (copy enclosed)
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN 3tag
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
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REBUTTAL TESTIMONY  
OF  
FRANCIS J. HEATON  
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
ON BEHALF OF  
WIRELESS ONE NETWORK LP d/b/a CELLULAR ONE  
STATE OF FLORIDA  
DOCKET NO. 990223-TL

1 Q. HAVE YOU REVIEWED THE PRE-FILED TESTIMONY OF GTE WITNESS CHARLES M. SCOBIE  
2 IN THIS DOCKET?

3 A. YES.

4 Q. DO YOU HAVE ANY CONTRADICTIONS OR CONFLICTS WITH RESPECT TO HIS  
5 TESTIMONY?

6 A. WE OBJECT TO MR. SCOBIE'S TESTIMONY AT PAGE 2, LINES 13-14 WHICH STATES  
7 "THIS WAS THE RELIEF THAT WAS UNANIMOUSLY APPROVED BY THE CURRENT  
8 CODE HOLDERS IN THE 941 AREA CODE". WE HAVE BEEN A (24) NNX CODE HOLDER  
9 IN THE 941 AREA CODE SINCE BEFORE THE JULY 8, 1998 MEETING IN TAMPA WAS CONVENED,  
10 AND AS SPRINT WITNESS FOLEY'S PROPOSED EXHIBIT 1 DEMONSTRATES WE WERE NOT  
11 INCLUDED IN THE NOTICE, OR LIST OF ATTENDEES, NOR DID WE VOTE TO "APPROVE" SUCH  
12 PLAN. WE ARE NOT AT ALL COMFORTABLE WITH MR. SCOBIE'S REPRESENTATION THAT  
13 THERE IS OR WAS UNANIMOUS APPROVAL OF ANY PLAN.

14 Q. DO YOU AGREE WITH MR. SCOBIE'S EXPRESSED LAST MINUTE PREFERENCE FOR AN  
15 OVERLAY AS OPPOSED TO THE NUMBER PLAN SPLIT, WHICH GTE PREVIOUSLY  
16 UNANIMOUSLY ENDORSED?

17 A. OUR EXPERIENCE INDICATES THAT 10 DIGIT LOCAL DIALING IS INTIMIDATING TO THE  
18 CALLER UNLESS THERE IS AN ADVISORY SYSTEM THAT ASSURES THE CALLER NO TOLL  
19 CHARGES WILL APPLY. A MASSIVE PUBLICITY CAMPAIGN SHOULD ACCOMPANY ANY ORDER  
20 TO OVERLAY DIALING.

21 Q. DO YOU AGREE WITH MR. SCOBIE'S VIEW THAT IF AN AREA CODE SPLIT IS  
22 IMPLEMENTED THE TAMPA LATA SHOULD RETAIN THE 941 AREA CODE, AND THE FT.  
23 MYERS LATA BE ASSIGNED A NEW CODE?

24 A. NO. WE STILL HAVEN'T SEEN ANYTHING RESEMBLING A FACTUAL PRESENTATION THAT  
25 WOULD PROVIDE THE GREATEST GOOD FOR THE GREATEST NUMBER. ABSENT A  
26 CONVINCING PRESENTATION OF SAME WE WANT TO COMMISSION TO CHOOSE A SOLUTION  
27 THAT PERMITS EQUAL OPPORTUNITY TO AVOID THE CHANGE.

1 **Q. DO YOU HAVE ANY ADDITIONAL COMMENTS CONCERNING MR. SCOBIE'S PRE-FILED**  
2 **TESTIMONY?**

3 A. YES, AT PAGE 2, LINES 20-22 MR. SCOBIE MENTIONS A LIMITED NUMBER OF ROUTES  
4 BETWEEN GTE AND SPRINT IN THE 941 AREA CODE WHICH ARE DIALED ON A SEVEN DIGIT  
5 BASIS. AS INDICATED IN MY PRE-FILED TESTIMONY AT PAGE 14, LINES 12-20 AND PAGE 17,  
6 LINES 7-10 WE HAVE BEEN EXCLUDED FROM PARTICIPATION IN THE USE OF THESE  
7 INTERLATA TRUNKS, AND CAN ONLY ACHIEVE PARITY FOR LOCAL CALLING PRIVILEGES  
8 FROM GTE CUSTOMERS TO REACH OUR CAPE HAZE AND PORT CHARLOTTE AREA  
9 CUSTOMERS IF WE DEPLOY ADDITIONAL ENGLEWOOD AND NORTHPORT RATE  
10 CENTERED NNX CODES RESPECTIVELY. ABSENT NNX CODE SHARING THESE WOULD BE  
11 INEFFICIENT DEPLOYMENTS OF ADDITIONAL CODES.

12 **Q. HAVE YOU REVIEWED THE PRE-FILED TESTIMONY AND EXHIBITS OF SPRINT WITNESS**  
13 **THOMAS C. FOLEY?**

14 A. YES

15 **Q. DO YOU HAVE ANY CONTRADICTIONS OR CONFLICTS WITH RESPECT TO THESE**  
16 **MATTERS?**

17 A. YES. AT PAGE 5, LINES 17-25, AND PAGE 6, LINE 1 MR. FOLEY MENTIONS THREE BASIC  
18 METHODS OF PROVIDING (NUMBERING PLAN) RELIEF, AND THAT THESE WERE REVIEWED AT  
19 AN INDUSTRY MEETING HELD IN TAMPA, JULY 8, 1998, BY SOME 15 INDIVIDUALS FROM ALL  
20 SEGMENTS OF THE TELECOMMUNICATIONS INDUSTRY AND THE PUBLIC SERVICE  
21 COMMISSION, ORGANIZED AND CHAIRED BY A REPRESENTATIVE OF THE NORTH AMERICAN  
22 NUMBERING PLAN ADMINISTRATION (NANPA).

23 AT PAGE 6, LINES 12-16 MR. FOLEY REFERENCES A LIST OF THE COMPANIES AND  
24 INDIVIDUALS INVITED TO, AND ATTENDING THE JULY 8, 1998 TAMPA MEETING AS  
25 APPEARING IN HIS EXHIBIT 1. THIS LIST DID NOT INCLUDE ANY REPRESENTATIVE OF  
26 WIRELESS ONE NETWORK L. P., A KNOWN (24) NNX CODE HOLDER IN THE 941 AREA CODE AT  
27 THAT TIME.

1 AN EXAMINATION OF THE INVITEE AND ATTENDEE LIST IN MR FOLEY'S PROPOSED EXHIBIT 1  
2 INDICATES THAT SEVEN GTE REPRESENTATIVES, FOUR SPRINT REPRESENTATIVES, ONE  
3 AERIAL (PSC) COMMUNICATIONS REPRESENTATIVE, ONE BELL SOUTH REPRESENTATIVE,  
4 ONE CITY OF LAKELAND REPRESENTATIVE, AND ONE PUBLIC SERVICE COMMISSION  
5 REPRESENTATIVE CONSTITUTE THE INDUSTRY CONSENSUS GROUP.

6 I BELIEVE IT IS A GROSS MISCHARACTERIZATION TO CATEGORIZE THIS AS AN INDUSTRY  
7 MEETING. SPRINT REPRESENTATIVES KNOW THEY DO NOT SPEAK FOR WIRELESS ONE  
8 NETWORK, A DIRECT COMPETITOR IN THE PROVISION OF WIRELESS SERVICE AND A  
9 WOULD BE COMPETITOR IN THE PROVISION OF LOCAL EXCHANGE SERVICE.

10 **Q. DO YOU HAVE ADDITIONAL COMMENTS OR CRITICISMS CONCERNING MR. FOLEY'S**  
11 **TESTIMONY?**

12 A. AT PAGE 10, LINES 14-17, MR. FOLEY REFERENCES 298 NNX'S IN THE TAMPA LATA AND 273  
13 NNX'S IN THE FT. MYERS LATA IN NANPA'S COMMUNICATION TO THE FPSC, AND AT LINES 23-  
14 25 OF THAT PAGE THAT GROWTH WAS FORECAST TO BE GREATER IN THE TAMPA LATA  
15 PORTION. THIS HARDLY REPRESENTS SUBSTANTIATION THAT A PROPOSAL TO LET GTE KEEP  
16 THE 941 AREA CODE REPRESENTS THE GREATEST GOOD FOR THE GREATEST NUMBER. WE  
17 WOULD REQUIRE CONSIDERABLY MORE THAT WAS REFERENCED TO CONCUR WITH THIS  
18 FINDING.

19 **Q. DO YOU AGREE WITH MR. FOLEY'S TESTIMONY AT PAGE 22, LINES 18-25 THAT THE**  
20 **OVERLAY RELIEF PLAN IS PREFERABLE?**

21 A. NOT NECESSARILY. IN OVERLAY ENVIRONMENTS THE PUBLIC IS OFTEN CONFUSED ABOUT  
22 GEOGRAPHIC LOCATIONS AND GIVEN A CHOICE OF WHOM TO CALL OFTEN CALLS NUMBERS  
23 IN THE MORE RECOGNIZABLE NPA OF THE TWO. OVERLAYS INEVITABLY LEAD TO USERS  
24 WITH THE IDENTICAL GEOGRAPHIC ADDRESS HAVING DIFFERENT NPA'S WHICH IS ALSO  
25 CONFUSING TO THE PUBLIC AT LARGE.

26 UNQUESTIONABLY, HOWEVER, THE OVERLAY PORTENDS AN IMMEDIATE GREATEST GOOD  
27 FOR THE GREATEST NUMBER, AND SOLVES THE ISSUE OF DEALING FAIRLY WITH EXISTING

1 CUSTOMERS. WE ARE CONCERNED, NEVERTHELESS, THAN GTE'S WITNESS OVER SIMPLIFIES  
2 THE CONSEQUENCES OF OVERLAY PLANS.

3 MORE IMPORTANTLY, THE GTE TESTIMONY DOES NOT ADDRESS THE OBVIOUS CAUSE OF  
4 NNX CODE EXHAUST. THE INCUMBENT LOCAL EXCHANGE COMPANIES INSISTENCE THAT  
5 WOULD BE COMPETITORS IMITATE ITS RATE CENTERS IN ORDER TO PERMIT FEE FREE  
6 CONNECTIONS OF CALLS BETWEEN ITS CUSTOMER AND THOSE OF WOULD BE COMPETITORS.

7 **Q. HAVE YOU REVIEWED THE COMMENTS OF ANY OTHER PARTIES TO THIS PROCEEDING?**

8 A. YES, WE HAVE REVIEWED THE COMMENTS OF CHARLOTTE AND SARASOTA COUNTIES, THE  
9 ONLY OTHER PARTIES WHOSE PRE-FILED TESTIMONY WE RECEIVED.

10 **Q. DO YOU HAVE COMMENTS OF THOSE PRE-FILED TESTIMONY WHICH YOU HAVE  
11 RECEIVED?**

12 A. NO, OTHER THAN TO SAY WE ARE IN SYMPATHY THAT THE PROSPECT OF NUMBER CHANGES  
13 HAS OCCURRED SO RAPIDLY, AND THAT LIKE OURS AND THOSE OF OUR CUSTOMERS, THEIR  
14 VIEWS HAD NOT BEEN PREVIOUSLY CONSIDERED.