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RECORDS AND REPORTING

September 23, 1999

Blanca Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 980671-TL; ADT's Emergency Request for Temporary Variance.

Dear Ms. Bayó:

Sprint-Florida, Incorporated, Sprint Communications Company Limited Partnership and Sprint PCS (collectively (Sprint) are writing to lodge an initial objection to the "Emergency Request for Temporary Variance" filed by ADT Security Systems (ADT). The request seeks a four-month delay in the mandatory dialing date for the non-Brevard County portion of the 407 NPA. Sprint objects to any delay in the start of mandatory dialing per the final order in this docket because it would materially and adversely affect the rights and interests of Sprint and its customers who have diligently prepared for the December 1, 1999 deadline in reliance on that order.

The authority cited for the Request is Rule 28-104.001, et. seq., Florida Administrative Code. This is the Uniform Rule that implements the provisions of Section 120.542, Fla. Stat. That statute governs waivers or variances of rules. The variance sought here is of an order issued in an adjudicatory proceeding conducted pursuant to section 120.57, Fla. Stat.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Here
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG I
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC I
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

At this time Sprint is uncertain whether the variance procedure is available in this circumstance. If it is, Sprint will have an opportunity to comment within 14 days of the issuance of a notice in the Florida Administrative Weekly. To date no such notice has been issued. Furthermore, the Joint Administrative Procedures Committee was apparently not served with the pleading as required by Rule 28-104.002(1), Florida Administrative Code. If the Request has not been submitted under the provisions of the rule, then Sprint's response time would be discretionary pursuant to Rule 28-106.203, Florida Administrative Code.

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Sprint is aware that a pleading styled in the same fashion was filed in a prior NPA overlay docket under facially similar, yet materially different circumstances. See, *In re: Request for review of proposed numbering plan relief for 305 area code*. Docket No. 971058-TL Order No. PSC-98-1267-FOF-TL Issued: September 23, 1998 (305 NPA). In that case, the first where 10-digit dialing was implemented, the permissive dialing period was only 4 months long and began less than two months after the issuance of the Commission order. Upon the initial concurrence of BellSouth, the Commission extended the time of permissive dialing such that it covered eight months. In the end, the total time between issuance of the order and mandatory dialing was ten months

In contrast, in the instant case, the time between the order and beginning of permissive dialing was three months. Also, the permissive dialing period is eight months. The total time available to ADT to prepare for and conduct reprogramming has been a total of eleven months. Also, in 305 NPA the number of customers (7000) remaining to be converted in a one month period was more than double the number ADT claims still need to be converted during an additional four month extension period. Clearly, the circumstances do not support an extension of the mandatory dialing period based on 305 NPA.

Sprint also believes that the cost to Sprint to notify and re-notify customers of the change and then the new date if re-established may be substantial. Additional out-of-pocket translation cost may be incurred – especially if a targeted translation solution is necessary to allow the 321 NPA code to be issued on January 15, 2000 as scheduled. Due to the short time this variance request has been pending, Sprint has not had a chance to finish calculating these costs. Any additional costs should be the responsibility of ADT – especially if the basis for being unable to complete the reprogramming is to merely avoid hiring additional labor or incurring additional expense. The Commission should not allow ADT to shift their costs to Sprint or any other affected party through brinkmanship or lack of diligence.

More critically, the numbers available in 407 are rapidly dwindling. At the current rate of 11 per month, the 70 remaining numbers will not last until April 1, 2000. This will have a tremendous cost to carriers who cannot get numbers. Sprint strenuously objects to being placed in jeopardy of being denied access to numbers required to serve our customers.

Sprint intends to present further argument and cost information in a formal pleading. However, in the event that the Commission considers this variance request outside of the requirements of the statute and rules, Sprint is filing this letter to lodge its objection

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to the variance request. Sprint reserves all opportunities to submit any responsive pleading or comments authorized by law.

Please feel free to contact me if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "Charles J. Rehwinkel". The signature is fluid and cursive, with a large initial "C" and "R".

Charles J. Rehwinkel

cc: Parties of Record

**CERTIFICATE OF SERVICE  
DOCKET NO. 980671-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by  
U.S. Mail this 23rd day of September, 1999 to the following:

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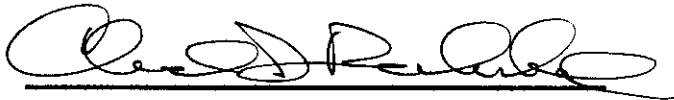
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A handwritten signature in black ink, appearing to read "Charles J. Rehwinkel", written over a horizontal line.

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