

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petition by BellSouth Telecommunications, Inc. for temporary waiver of Rule 25-4.040(5), F.A.C. (which requires provision of new or changed listings to directory assistance within 48 hours after connection of service) because of maintenance needs.

DOCKET NO. 991638-TL  
ORDER NO. PSC-99-2353-PAA-TL  
ISSUED: December 3, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING TEMPORARY WAIVER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On October 21, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed an emergency petition for a temporary waiver of Rule 25-4.040(5), Florida Administrative Code, pursuant to Section 120.542, Florida Statutes, and Rule 28-104.004, Florida Administrative Code. Rule 25-4.040(5), Florida Administrative Code, states in pertinent part:

All new or changed listings shall be provided to directory assistance operators within 48 hours after connection of service, excluding Saturdays, Sundays and holidays.

DOCUMENT NUMBER-DATE

14777 DEC-3 99

REGISTRATION REPORTING

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BellSouth states that beginning on Saturday, October 23, 1999, through Saturday, October 30, 1999, it will perform maintenance on its directory assistance database. BellSouth states that this maintenance is necessary because the current system is at full capacity. The company indicates that by doing the maintenance at this time, it will avoid interfering with "Y2K" activities during the last two months of the year and the first two months of 2000. BellSouth asserts that during the maintenance period, service orders will still be issued and numbers will be available through the business office. All updates during the maintenance period will be held and then processed into the database by Monday, November 1, 1999.

BellSouth maintains that its emergency temporary waiver request meets the standards of Section 120.542, Florida Statutes, and that the purpose of the underlying statutes, 364.01(4) and 364.03, Florida Statutes, "is, in part, to promote the public health, safety and welfare by ensuring that basic local telecommunications services are available to all consumers." BellSouth emphasizes that the temporary waiver is necessary to satisfy that objective by improving the efficiency, effectiveness, and integrity of the database.

BellSouth filed its request in accordance with Rule 28-104.004, Florida Administrative Code, Petition for Emergency Variance or Waiver, which provides that persons seeking emergency waivers shall so state in the caption of the petition, shall submit a petition in compliance with Section 120.542(5), Florida Statutes, and shall specifically allege the reasons the situation is an emergency and the waiver is necessary on an expedited time frame. Under Rule 28-104.004, Florida Administrative Code, the notice and comment period provided for in Section 120.542(6), Florida Administrative Code, are not required.

Upon review, we believe BellSouth has sufficiently alleged that this is an emergency situation that warrants processing the request on an expedited basis. Furthermore, we find that BellSouth has sufficiently demonstrated that the waiver meets the purpose of the underlying statutes and is, in fact, necessary to fulfill the purpose of Sections 364.01(4) and 364.03, Florida Statutes. Accordingly, BellSouth's emergency petition for a temporary waiver until October 30, 1999, is hereby granted.

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It is, therefore

ORDERED by the Florida Public Service Commission that the Emergency Petition for Temporary Waiver of Rule 25-4.040(5), Florida Administrative Code, filed by BellSouth Telecommunications, Inc. is hereby granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon issuance of a consummating order.

By ORDER of the Florida Public Service Commission this 3rd Day of December, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

BK

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 24, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

MEMORANDUM

December 1, 1999

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 991638-TL - EMERGENCY PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR TEMPORARY WAIVER OF RULE 25-4.040(5), F.A.C. (WHICH REQUIRES PROVISION OF NEW OR CHANGED LISTINGS TO DIRECTORY ASSISTANCE WITHIN 48 HOURS AFTER CONNECTION OF SERVICE) BECAUSE OF MAINTENANCE NEEDS.

*2353-PAA*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING TEMPORARY WAIVER, to be issued in the above-referenced docket. (Number of pages in order - 4)

BK/anc  
Attachment  
cc: Division of Communications  
I: 991638or.bk

*2 - RAR  
needed -*