

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of tariff filing to add National Directory Assistance to service offerings by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone.

DOCKET NO. 991653-TL  
ORDER NO. PSC-99-2355-TRF-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.

ORDER DENYING TARIFF

BY THE COMMISSION:

On September 20, 1999, Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone (TDS) filed a tariff to add National Directory Assistance (NDA) to its service offerings. This service is in addition to the local Directory Assistance Service (DA), which TDS currently offers. Through this tariff filing, TDS is seeking to change the local DA dialing pattern from 411 to 1-411, and to use 411 as the access number for the new NDA service. The 411 dialing pattern would also access local DA service. Thus, customers would be able to access local DA by dialing either 411 or 1-411.

Currently, TDS's Florida customers are provided three free local DA calls per billing cycle. The company also states that all local DA calls above the three call allowance are billed at \$.25 per call. With this proposed tariff change, TDS subscribers who dial 411 to access local or long distance numbers would be charged \$.65 per call. A customer may request a maximum of two telephone numbers per call. No routine call allowances or exemptions are available for customers when they use the NDA access number. However, upon implementation of its NDA service, TDS would give a one-time credit to any caller who disputes the NDA charge on their bill because they thought they were calling local DA.

DOCUMENT NUMBER-DATE

14779 DEC-39

TRF-99-2355-TRF-TL REPORTING

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In order to introduce this new service in Quincy, TDS will notify all its Quincy customers. The notification will explain the new NDA service and explain that their local DA service is still available, but with a dialing pattern of 1-411 instead of 411. TDS states that it will use additional means of advertising to educate and promote the new NDA service, such as changes to the telephone directory, press releases, mail-outs of postcards with 411 stickers, and bill inserts.

TDS's proposal is based not only on its Quincy customers, but also on customers it serves in other parts of the country. TDS explains that it operates 107 small local exchange companies in 28 states and is preparing to offer NDA to each local company, including that in Quincy. Most TDS customers use 1-411 or 555-1212 to access local DA. By proposing to switch Quincy's local DA access number from 411 to 1-411, TDS maintains that it will ensure consistency among its companies, and require the fewest number of its customers to change their local DA access number. TDS states that to provide NDA feasibly, all its customers must use the same number to access NDA. If all TDS customers can not use the same dialing pattern to access NDA, TDS claims it will not be able to provide the service.

Upon consideration, we hereby deny the proposed tariff modification for several reasons. First, we believe the proposal will create substantial customer confusion. We do not believe that the one-time credit and proposed advertising will adequately address customer confusion. Confusion could extend beyond the first time a customer is billed for the NDA service.

Second, the FCC believes that, on a national basis, there is value in maintaining the 411 dialing pattern for local DA, and we agree with the FCC on this point. Currently, the national trend for accessing local DA is by dialing 411. ¶5, FCC Order No. 99-133. TDS customers in Quincy currently follow this national trend. In Docket No. FCC 97-51, In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements, the FCC considered the use of the 411 dialing pattern for other information services besides local DA. However, the FCC concluded:

[W]e find continued use of 411 to call local directory assistance services justified by public convenience and necessity.

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Accordingly, ... we do not alter the assignment of the 411 code. ¶47, FCC Order No. 97-51. While the FCC's finding did not foreclose the use of other dialing patterns for local DA, it appears from the FCC's Order that it favors the continued use of 411 for local DA service.

Third, the proposed tariff modification is inconsistent with our prior Orders dealing with similar issues. TDS's designation of 411 for NDA and 1-411 for local DA allows TDS to charge the customer for the dialing pattern as opposed to the information requested. This is inconsistent with our prior Orders which allowed incumbents to charge the customer based on the information requested, rather than the dialing pattern.

Further, Section 364.09, Florida Statutes, states:

A telecommunications company may not directly or indirectly, ... receive from any person a greater or lesser compensation for any service rendered ... than it charges, demands, collects, or receives from any other person for doing a like and contemporaneous service... under the same or substantially the same circumstances and conditions.

If TDS is allowed to implement its proposed NDA service, we will effectively be granting TDS the authority to charge customers different amounts for the same service rendered, simply because of the dialing patterned utilized. Currently, a TDS customer dials 411 for local DA service. However, if TDS is allowed to implement its proposed NDA, a customer who dials 411 for a local DA listing will be charged \$0.65 for NDA service while another customer who dials 1-411 for the same local DA listing will either (1) not be charged, provided the customer has not exceeded the three call allowance or (2) be charged \$.025. The only difference between these two customers is the dialing pattern used to access local DA. We believe that this scenario is likely to occur and is in direct violation of Section 364.09, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff modification, proposed by Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone, to use the 1-411 dialing pattern to

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access local directory assistance and the 411 dialing pattern to access national directory assistance in Quincy is denied for the reasons described in the body of this order. It is further

ORDERED that if no protest is filed within 21 days of issuance of this Order by a person whose substantial interests are affected, this docket shall be closed upon the 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 )

MKS

NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review 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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests

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are affected by the proposed action files 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.

M E M O R A N D U M

December 2, 1999

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (STERN) *BK* MKS

RE: DOCKET NO. 991653-TL - REQUEST FOR APPROVAL OF TARIFF  
FILING TO ADD NATIONAL DIRECTORY ASSISTANCE TO SERVICE  
OFFERINGS BY QUINCY TELEPHONE COMPANY D/B/A TDS  
TELECOM/QUINCY TELEPHONE.

2355 - TRF

Attached is an ORDER DENYING TARIFF to be issued in the above-referenced docket. (Number of pages in order - 5)

MKS/sa

Attachment

cc: Division of Telecommunications (Hawkins, Audu)

I: 991653or.mks

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