

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 26, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Office of the General Counsel (Moore)
Division of Competitive Markets & Enforcement (Bulecza-Banks, Cordiano, Moses)

RE: Docket No. 050421-TL – Petition by Florida Alliance of Information and Referral Services to initiate rulemaking to require local exchange telecommunications companies to include 211 information on inside cover of telephone directories.

AGENDA: 02/07/06 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Tew

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\050421B.RCM.DOC

Case Background

On June 21, 2005, the Florida Alliance of Information and Referral Services (“FLAIRS”) filed a Petition to Initiate Rulemaking with the Commission. FLAIRS proposed modifying Rule 25-4.040(3)(b), Florida Administrative Code, to require local exchange telecommunications companies (“LECs”) to include instructions about 2-1-1 service on the inside front cover of telephone directories for exchanges with 2-1-1 service. The Federal Communications Commission requires that the 2-1-1 number be made available as the dialing code for access to community information and referral for health and human services. The Commission granted FLAIRS’ petition in part and decided that a workshop should be held before it would decide whether the rule should be amended as requested by FLAIRS. Staff conducted the rule

development workshop on September 22, 2005. Representatives of FLAIRS, the major LECs, and the Statewide 911 Coordinator participated in the workshop. At the conclusion of the workshop, FLAIRS and the LECs agreed to work together to address the issues raised by FLAIRS' petition.

On January 13, 2006, FLAIRS withdrew its Petition.

Discussion of Issues

Issue 1: Should the Commission discontinue rulemaking proceedings on Rule 25-4.040(3)(b), Florida Administrative Code?

Recommendation: Yes, absent the Florida Alliance of Information and Referral Services' request, there is no need to conduct rulemaking proceedings. (Moore, Bulecza-Banks, Cordiano, Moses)

Analysis: The Florida Alliance of Information and Referral Services ("FLAIRS") asked the Commission to amend Rule 25-4.040(3)(b), Florida Administrative Code, which requires local exchange telecommunications companies to publish a telephone directory and specifies that the directory contain certain information. FLAIRS asked the Commission to add a requirement for the companies to include instructions about 2-1-1 service on the inside front cover of the directories for exchanges with 2-1-1 service.

At the rule development workshop conducted by staff and in postworkshop comments, the participating LECs raised the issue of the Commission's statutory authority to amend Rule 25-4.040(3)(b) as FLAIRS requested, and noted that non-LEC competitive directory services would not be required to comply with a Commission rule. The LECs also stated, however, that they were willing to work with FLAIRS to get 2-1-1 information published in directories and that rulemaking was unnecessary. In its filing withdrawing its petition to initiate rulemaking, FLAIRS states that the LECs are collaborating with FLAIRS to resolve the issues raised by its petition. Staff is not aware of any other reason to amend the rule and recommends that rulemaking be discontinued.

Issue 2: Should this docket be closed?

Recommendation: Yes. (Moore)

Analysis: If the Commission accepts Staff's recommendation to discontinue rulemaking, this docket may be closed.