

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Arthur R.) DOCKET NO. 940739-TL
Jorgensen for a change in) ORDER NO. PSC-94-1326-FOF-TL
General Services Tariff relating) ISSUED: October 27, 1994
to Directory Assistance Service)
Rates (A3.102.a) of GTE FLORIDA)
INCORPORATED)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITION

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 in accordance with Rule 25-22.029, Florida Administrative Code.

I. Case Background

On May 19, 1994, the Division of Consumer Affairs received a complaint from Mr. Arthur Jorgensen against GTE Florida Incorporated (GTEFL). After reviewing Mr. Jorgensen's complaint, Consumer Affairs contacted GTEFL and requested a report on how charges are assessed for directory assistance services. Debby Kampert of GTEFL responded to Mr. Jorgensen's complaint on June 9, 1994 and on June 10, 1994, Mr. Jorgensen was apprised of GTEFL's response.

Mr. Jorgensen was dissatisfied with the results of his complaint. He advised Consumer Affairs that he was working with Public Counsel to file a request with Records and Reporting. On June 30, 1994, Mr. Jorgensen filed a Petition with Records and

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Reporting. On July 1, 1994, Records and Reporting staff sent Mr. Jorgensen a letter informing him that his letter had been received and forwarded to the Division of Legal Services for the appropriate action.

II. Discussion and Conclusion

On June 30, 1994, Mr. Arthur R. Jorgensen filed a Petition to have GTE Florida Incorporated's General Service tariff relating to Directory Assistance Service rates modified. Mr. Jorgensen believes that he should not be charged for directory assistance if:

- 1) the phone number requested is not given (for whatever reason);
- 2) upon requesting two numbers, the operator disconnects the subscriber before the second number is given, which causes the subscriber to call again, thus incurring an additional charge; and
- 3) an operator tells the subscriber that the number is nonexistent, but when the subscriber calls back and connects with a different operator, the (nonexistent) number is given.

Directory Assistance was established to assist subscribers in ascertaining telephone numbers, within or outside the local service area. Order Number 13934, Docket Number 820537-TP, set the standards for directory assistance and the rates charged to subscribers for the service. The Order was enforced by the Commission and has been employed by every local exchange and interexchange company throughout the State of Florida since its establishment.

Charges for local directory assistance (dialed 411) apply after the allowable three free calls per billing cycle. At that time, a charge of \$0.35 is assessed for any calls made to directory assistance. The charge is applied to the end-user's bill.

The directory assistance system is set up to indicate that a call is made to directory assistance, regardless of whether or

not the information requested is given. The system is unable to determine if the number the operator furnishes is correct, non-published or unknown; therefore, a charge is automatically placed on the bill.

To receive two numbers from directory assistance, an end-user must let the operator know up front that he/she wants two numbers. The operator will give one of the numbers verbally and then connect the end-user to an automated attendant. Once the end-user is switched to the automated system, the only way to reconnect to the operator is by redialing. Commission staff performed test calls to directory assistance and found this method effective as long as the additional number is requested prior to being switched to the automated attendant.

If an end-user believes that charges for directory assistance are disputable, he/she may contact the telephone company. The company will work with the end-user to get the disputed charges for use of directory assistance taken off, if justifiable. This would be an appropriate solution in cases where Mr. Jorgensen has been unable to obtain requested number(s) on the first attempt.

GTEFL's tariff is consistent with Order Number 13934 as well as the guidelines set forth in Rule 25-4.115, Florida Administrative Code. All of the local exchange companies' (LECs) tariffs are similar; however, the rates for directory assistance may vary from LEC to LEC. Other Orders associated with directory assistance deal with the foreign numbering plan area (FNPA) and what rates will be charged for the service.

When the Commission studied what was the best approach to local and toll directory assistance, it considered approaches which only charged for existing numbers (e.g. not for non-published numbers) or which gave a credit if the customer later called the number sought. However, based on the most efficient technology and fairness to customers, today's approach (three free local calls, up to two numbers per call) seemed best.

Upon consideration, we believe that Mr. Jorgensen's Petition is insufficient to justify a change in GTEFL's tariff. A change in GTEFL's directory assistance tariff would result in a change of all company tariffs that furnish directory assistance service. Also, although Mr. Jorgensen requests a tariff change, his complaints

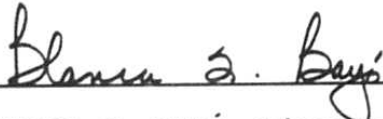
require much more than a tariff modification. GTEFL would have to devise a system that would be able to keep an accurate record of whether or not the end-user's requested number has been obtained. We believe this would necessitate updating or purchasing new software for the directory assistance system. Finally, Mr. Jorgensen's concerns seem to reflect more on the performance of the directory assistance operators and directory assistance procedures, rather than the tariff itself or the charges incurred for use of the service.

Based on the foregoing, it is

ORDERED that the Petition of Arthur R. Jorgensen for a change in General Services Tariff relating to directory assistance service rates is hereby denied. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, the certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 27th day of October, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 17, 1994.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.