

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Sprint-
Florida, Incorporated for
partial waiver until March 1,
1998 of requirements of Rule 25-
4.081, F.A.C.

DOCKET NO. 970509-TL
ORDER NO. PSC-97-0824-FOF-TL
ISSUED: July 9, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING 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.

I. **BACKGROUND**

On January 6, 1997, we adopted Rule 25-4.081, Florida
Administrative Code (Emergency 911 Access). This rule requires
that telecommunication providers maintain "911" access for
temporarily disconnected phone lines.

When Sprint began efforts to comply with the new rule, it
experienced technical difficulties with its ability to retain the
ancillary services of a customer, such as call waiting, when
certain switches were programmed to provide 911 service upon
temporary disconnection. The technical problem creates an
administrative problem upon re-connection because Sprint is no
longer aware of the customer-specific features that should be

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associated with the line. It is a software problem specific to Sprint's software capability.

On April 29, 1997, Sprint filed a request for a partial waiver of Rule 25-4.081, Florida Administrative Code. The Notice of Petition for Waiver was submitted to the Secretary of State for publication in the Florida Administrative Weekly April 30, 1997. The comment period ended May 14, 1997, and no comments were received. The statutory deadline for the Commission's decision regarding this petition is July 28, 1997.

II. DISCUSSION

Rule 25-4.081, Florida Administrative Code, provides as follows:

25-4.081 Emergency 911 Access

(1) Access to emergency 911 services shall be provided by the local exchange company to basic local exchange company subscribers.

(2) By July 1, 1997, access to 911 shall be maintained for the duration of any temporary disconnection for non-payment of a subscriber's local residential service, except that small local exchange companies as defined by Section 363.052(1), Florida Statutes, shall have until July 1, 1998, to comply.

On April 29, 1997, Sprint submitted a request for a partial waiver of Rule 25-4.081. Sprint requests the waiver specifically for two types of switches (5ESS and DMS100) from July 1, 1997, to March 1, 1998. Sprint discovered that technical difficulties have made it impossible to cost-effectively meet the rule requirements for some of Sprint's customers serviced by these switches. Sprint believes that it cannot cost-effectively meet the July 1, 1997, deadline.

The 1210, 1210R, and D10REM switches are all capable of retaining a customer's original line features. This capability is due to the switches' software. The software allows lines suspended for non-payment to originate calls to a limited range of called numbers. No calls are allowed to terminate to the suspended lines. When a customer is reconnected, the switches automatically provide the original services to the line.

Currently, Sprint does not have the software for the 5ESS and DMS100 switches to allow a suspended line to originate calls to certain numbers. Therefore, in order for a suspended line to have 911 access, the line class code, which corresponds to the type of service, and the line treatment code, which corresponds to any restrictions, must be changed to allow outgoing 911 calls and also to restrict all other outgoing and incoming calls.

When the line is to be re-connected, the software that interconnects with the switches must supply the original line class code and line treatment code to the switch. Sprint's software is unable to restore this information and provide it to the switch upon re-connection.

This problem is specific to Sprint. Our staff requested information from GTE and BellSouth about 5ESS and DMS100 switches and compliance with the 911 access to suspended line rule. GTE and BellSouth currently have the technology in place to save the codes needed to accurately re-connect lines with the same features as before the disconnect. The codes are saved in databases and fed to the switches upon reconnection. Both companies use company-specific software to accomplish this task.

Sprint-Florida has identified four options that can be employed to remedy this situation. They are as follows:

1. Install the "memory" capability in the switches with generic software upgrades;
 2. Track and implement the disconnects manually;
 3. Maintain full outward dialing-capable service for non-paying customers; or
 4. Program the service ordering database to "remember" what features are to be restored after the period where only 911 service is to be provided.
- A. Install the "memory" capability in the switches

Sprint-Florida believes that the generic software upgrade would be the most cost-effective solution if time was not of the essence. However, the vendors for the 5ESS and DMS100 switches (Nortel and Lucent, respectively) have indicated that installing the capability in switches now in service would require making core system changes to the next generation of generic software. The next generation of software is not due to be available before

July, 1998, at the earliest. Sprint-Florida did not plan to buy the next generation of software. Sprint-Florida's current practice is to install the software in switches over 12-18 months in accordance with budget and engineering guidelines. On April 1, 1997, and April 19, 1997, Nortel and Lucent, respectively, began exploring the technical problem of writing the capability into the switch software, but there are no guarantees if or when these changes will occur.

B. Track and implement the disconnects manually

Sprint-Florida estimates that it processes 65,000 transactions (40,000 disconnects and 25,000 restorals) each month. It estimates that manual processing of these transactions would require additional employees to be trained by July and ready to provide the service at a cost of approximately \$2,000,000 annually. Day-to-day fluctuations in service calls might delay processing of new orders, and there is much more room for human error with the manual process.

C. Maintain full outward-dialing for non-paying customers

This option would take away any impetus for the customer to pay his or her bill.

D. Program the service ordering database to remember customers' features during temporary disconnects

Sprint's Service Order Distribution System (SODS) is its major administrative data system. This software controls the service orders for customers. Currently, when a line is temporarily disconnected, a message is typed into the switch software that will not allow incoming or outgoing calls. Upon reconnection, the message can be removed.

In order to allow only 911 outgoing calls, the line class needs to be changed. The line class identifies which features are associated with a particular line. When the customer is reconnected, the original line class needs to be reactivated. Sprint's dilemma is that SODS is not capable of storing the original line class information.

SODS needs to be modified to retain the information regarding the disconnected customer's service configuration prior to suspension. Sprint estimates that it would take approximately

12 months to modify the system and cost approximately \$300,000. Sprint has since stated that the End Production date is March 1, 1998. This time frame is due to the fact that key personnel are working on rewriting the same software to implement mandated resale and interconnection for Alternative Local Exchange Companies (ALECs).

III. CONCLUSION

We believe that it is in the public interest to grant Sprint-Florida this waiver even though this means that 911 access will not be available to approximately 90% of Sprint-Florida's temporarily disconnected customers until March 1, 1998. The only other option available would be to require Sprint-Florida to allow non-paying customers to continue to have outward-dialing capability or to require that Sprint manually disconnect and manually restore service.

Sprint-Florida has estimated that it would cost approximately \$2,000,000 per year to manually disconnect customers. If Sprint-Florida allows non-paying customers to continue with outward-dialing, Sprint would lose a substantial amount of revenue. We believe that the most cost-effective and logical method to resolve Sprint-Florida's inability to comply with 25-4.081, Florida Administrative Code, is to grant the partial waiver with an expiration of March 1, 1998, in order to allow Sprint-Florida the time to rewrite its administrative data software.

We believe that Sprint has demonstrated that enforcement of the rule would cause substantial hardship to Sprint-Florida due to the great cost associated with immediate compliance through a technically feasible means. Further, Sprint-Florida has demonstrated that with the granting of this waiver the purpose of Chapter 364.03, Florida Statutes, would be served because the provision of 911 on suspension, as soon as technologically and economically feasible, is consistent with the "reasonable entitlement" of customers to "suitable and proper" service conditions as required by the statute.

Accordingly, we hereby grant Sprint-Florida's waiver petition.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sprint-Florida, Incorporated's petition for partial waiver of the requirements of Rule 25-4.081, Florida Administrative Code, until March 1, 1998, is hereby granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, 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 or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 9th day of July, 1997.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

WPC

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 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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 July 30, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective on the date described above, any party substantially 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

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fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, 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.