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June 4, 1998

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

980716-TL

Re: Petition for Partial Waiver of Rule

Dear Ms. Bayo:

Enclosed for filing in the above matter are the original and fifteen (15) copies of Northeast Florida Telephone Company's Petition for Partial Waiver of Rule.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

J. Jeffrey Wahlen

- ACK _____
- AFA ~~Enclosures~~
- APP _____
- CEF cc: All parties of record
- CMU ne/pfw.byo
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC _____
- WAS _____
- OTH _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00045 JUN-4 88

OF RECORDS REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Northeast)
Florida Telephone Company, Inc.)
for a Partial Waiver of Rule)
25-4.115, F.A.C, Regarding)
National Directory Assistance)
_____)

Docket No. _____
Filed: June 4, 1998

PETITION FOR PARTIAL WAIVER OF RULE

Northeast Florida Telephone Company, Inc. ("Northeast" or the "Company") hereby petitions the Commission as follows:

Background

1. This is a petition for a partial waiver of Rule 25-4.115, Florida Administrative Code. The purpose of the waiver is to allow Northeast to provide National Directory Assistance ("NDA") under tariff to Northeast's local exchange service customers.

2. This petition is filed pursuant to Section 120.542, Florida Statutes, and Rule 25-22.036, Florida Administrative Code.

3. Northeast is a local exchange telecommunications company providing services in Baker County, Florida, pursuant to regulation by the Commission. Northeast had fewer than 100,000 access lines on July 1, 1995; therefore, Northeast is a small LEC pursuant to Section 364.052(1), Florida Statutes (1997). Northeast has fewer than 100,000 access lines on the date of this petition, and not elected price regulation under Section 364.052(1), Florida Statutes (1997).

4. All pleadings, orders, notices, motions and other papers filed or served relating to this petition should be served on:

DOCUMENT NUMBER DATE

06045 JUN-4 88

REGISTRATION DIVISION

Lynne G. Brewer
Northeast Florida Telephone Co.
P. O. Box 485
Macclenny, FL 32063-0485

J. Jeffrey Wahlen
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302

5. This petition is similar to the one filed by BellSouth in Docket No. 971560-TL and Sprint-Florida, Inc. in Docket No. 980231-TL, and should be granted because (1) doing so does not offend the underlying statutory framework of Chapter 364, Florida Statutes, especially Section 364.01, Florida Statutes, and (2) application of the rule would create a substantial hardship on Northeast.

Facts

6. In pertinent part, Rule 25-4.115, Florida Administrative Code, provides that local exchange carriers provide directory assistance ("DA") to its customers within a customer's Home Numbering Plan Area ("HNPA") and that IXCs provide DA outside a customer's HNPA.

7. Northeast does not provide DA to its customers using its own operators. Rather, Northeast has contracted with BellSouth so that BellSouth provides operator services, including DA, to Northeast's local exchange customers. In this context, BellSouth serves as an operator service provider ("OSP"), not a local exchange telecommunications company.

8. BellSouth has developed an NDA service that it can provide to its customers. BellSouth's NDA service is part and parcel of the operator services BellSouth provides to Northeast. It would be expensive and difficult for Northeast to take operator services from BellSouth without the NDA service provided by BellSouth. It would be expensive and disruptive for Northeast to

take operator services from someone other than BellSouth or to provide such services using its own operators.

9. Since NDA is part of the package of services Northeast gets from BellSouth under its OSP contract, Northeast filed a tariff amendment to provide NDA on April 27, 1998, and has been advised that a waiver of Rule 25-4.115, Florida Administrative Code, will be required before its tariff can be approved.

10. Granting this waiver will advance the system of regulation in Chapter 364, Florida Statutes. It will benefit Northeast's customers by allowing them to replace what would be two directory assistance calls (one to get the NPA and one to get the number) with one DA call. It will also allow a telecommunications provider other than an IXC to provide directory listings outside of the MPA of the originating line, thereby promoting competition and conferring a benefit upon telecommunication customers in Florida.


11. If a waiver is not granted, the application of the rule would work a substantial hardship on Northeast because Northeast would be required to make arrangements with a different OSP or somehow secure blocking of the NDA service from its current OSP. In either case, Northeast would be subject to additional costs, and its customers will be prevented from using a customer-friendly service.

12. By Order No. PSC-98-0665-FOF-TL, issued on May 14, 1998, in Docket No. 980231-TL, the Commission approved a similar waiver request for Sprint-Florida, Inc.

13. Granting the waiver as requested in this petition is consistent with the underlying statutory mandate in Section 360.01, Florida Statutes, which addresses eliminating unnecessary regulatory restraint.

WHEREFORE, Northeast respectfully requests that the Commission grant a partial waiver of Rule 25-4.115, Florida Administrative Code, so that Northeast can provide NDA pursuant to tariff to its end user customers.

DATED this 4th day of June, 1998.



J. JEFFREY WAHLEN
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(850) 224-9115

ATTORNEYS FOR NORTHEAST FLORIDA
TELEPHONE COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail or hand delivery (*) this 4th day of June, 1998, to the following:

Charlie Pellegrini *
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