



# Public Service Commission

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RECORDS AND REPORTING

**DATE:** NOVEMBER 4, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *Dij*  
DIVISION OF LEGAL SERVICES (B. KEATING) *BK psd*

**RE:** DOCKET NO. 991638-TL - EMERGENCY PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR TEMPORARY WAIVER OF RULE 25-4.040(5), F.A.C. (WHICH REQUIRES PROVISION OF NEW OR CHANGED LISTINGS TO DIRECTORY ASSISTANCE WITHIN 48 HOURS AFTER CONNECTION OF SERVICE) BECAUSE OF MAINTENANCE NEEDS.

**AGENDA:** 11/16/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991638.RCM

### CASE BACKGROUND

Rule 25-4.040(5), F.A.C., provides that local exchange companies provide new and changed listings to directory assistance operations within 48 hours, excluding weekends and holidays. On October 21, 1999, BellSouth Telecommunications, Inc. filed an emergency petition for a temporary waiver of the rule for maintenance purposes, pursuant to Section 120.542, Florida Statutes, and Rule 28-104.004, Florida Administrative Code. (ATTACHMENT A)

This is staff's recommendation regarding BellSouth's request for an emergency waiver of Rule 25-4.040(5), Florida Administrative Code, Telephone Directories; Directory Assistance.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission grant BellSouth Telecommunications, Inc.'s emergency petition for a temporary waiver of Rule 25-4.040(5), Florida Administrative Code, until October 30, 1999?

**RECOMMENDATION:** Yes. Staff recommends that the Commission grant BellSouth's emergency petition for a temporary waiver until October 30, 1999. (Isler)

**STAFF ANALYSIS:**

BellSouth seeks a waiver of Rule 25-4.040(5), Florida Administrative Code, which states in pertinent part:

All new or changed listings shall be provided to directory assistance operators within 48 hours after connection of service, excluding Saturdays, Sundays and holidays.

BellSouth filed the emergency petition on October 21, 1999. According to the petition, BellSouth stated that beginning on Saturday October 23, 1999 and ending Saturday October 30, it will perform maintenance on its directory assistance database. The petition stated that by doing the maintenance at this time, which is necessary because the current system is at full capacity, it would avoid interfering with Y2K activities during the last two months of the year and the first two months of 2000. BellSouth's petition stated that during the maintenance period, service orders would still be issued and numbers would be available through the business office. All updates during the maintenance period will be held and then processed into the database by Monday, November 1, 1999.

BellSouth asserts that its emergency temporary waiver request meets the standards of Section 120.542, Florida Statutes, and that the purpose of the underlying statutes, 364.01(4) and 364.03, Florida Statutes, "is, in part, to promote the public health, safety and welfare by ensuring that basic local telecommunications services are available to all consumers." The petition states that the temporary waiver is necessary to satisfy that objective by improving the efficiency and effectiveness of the database and will ensure the integrity of it.

BellSouth filed its request in accordance with Rule 28-104.004, Florida Administrative Code, Petition for Emergency

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Variance or Waiver, which provides that persons seeking emergency waivers shall so state in the caption of the petition, shall submit a petition in compliance with Section 120.542(5), Florida Statutes, and shall specifically allege the reasons the situation is an emergency and the waiver is necessary on an expedited time frame. Under Rule 28-104.004, Florida Administrative Code, the notice and comment period provided for in Section 120.542(6), Florida Administrative Code, are not required. Staff believes that BellSouth has sufficiently alleged that this is an emergency situation that warrants processing the request on an expedited basis.

Furthermore, staff believes that BellSouth has sufficiently demonstrated that the waiver meets the purpose of the underlying statutes and is, in fact, necessary to fulfill the purpose of Sections 364.01(4) and 364.03, Florida Statutes. Accordingly, staff recommends that the Commission grant BellSouth's emergency petition for a temporary waiver until October 30, 1999.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. (B. Keating)

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of the issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Petition by BellSouth )  
Telecommunications, Inc. for Temporary )  
Waiver of Rule 25-4.040(5), Florida )  
Administrative Code )  
\_\_\_\_\_ )

Docket No. \_\_\_\_\_

Filed: October 21, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'s**  
**EMERGENCY PETITION FOR TEMPORARY WAIVER**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.542, Florida Statutes and Rule 28-104.004, Florida Administrative Code, hereby petitions the Commission to temporarily waive the section of Rule 25-4.040(5) requiring the provision of new or changed listings to directory assistance within 48 hours after connection of service because of maintenance needs.

Specifically, BellSouth seeks the following:

1. Rule 25-4.040(5) states in part that: "all new or changed listings shall be provided to directory assistance operators within 48 hours after connection of service, excluding Saturdays, Sundays, and holidays."
2. Beginning Saturday, October 23rd, and ending Saturday, October 30th, BellSouth Operator Services will be performing maintenance on the directory assistance database. This maintenance will create a higher efficiency in processing nightly listing updates and will allow a quicker and more effective acquisition of new listing information.
3. The maintenance is being done at this time in order to avoid interfering with Y2K activities during the last two months of the year and during the first two months of the new year. The maintenance is required because the

current system has servers which are running at capacity. A delay in the maintenance could imperil the continued operation of the database.

4. During the maintenance period, service orders can be issued and the number will be available through the business office, but no updates will be processed into the database. Updates will be held in queue and processed to the database to be current by Monday, November 1st. There will be no impact to Operators, EWP or DADAS for ability to access and search existing listings. Referrals within Metromail/Experian localities (NDA) can still be sent and worked. Referrals within BellSouth localities cannot be processed during the seven-day maintenance period.

5. The weeklong timeframe is the "worst case" scenario. The work activity could go more quickly and the updates would go back on line in less time. BellSouth contact personnel such as the business office and repair have been notified so that they can respond appropriately to any customer inquiries. Also, normal intercept on changed service (i.e., customer moves and changes number) will work as usual.

6. BellSouth's temporary waiver request meets the standards of Section 120.542, Florida Statutes. The purpose of the underlying statutes 364.01(4) and 364.03 is, in part, to promote the public health, safety and welfare by ensuring that basic local telecommunications services are available to all consumers. BellSouth's temporary waiver will not undermine this purpose. To the contrary, the temporary waiver is necessary to satisfy this objective. As explained above, the maintenance to be performed on the directory assistance

database will improve the efficiency and effectiveness of the database and will ensure the integrity of the directory assistance database. A temporary waiver of the Rule's placement of listings provision is, therefore, necessary to avoid substantial economic and technological hardship.

7. BellSouth submits that the equities in this case weigh heavily in favor of granting this temporary waiver.

8. Because the maintenance must be performed at the time discussed above, BellSouth seeks this temporary waiver on an emergency basis.

9. For all the foregoing reasons, BellSouth seeks a temporary waiver of the placement of listings provision of Rule 25-4.040(5).

Respectfully submitted this 21st day of October, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.

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