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ORIGINAL

November 16, 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

Re: Petition for Partial Waiver of Rule  
Docket No. 981610-72

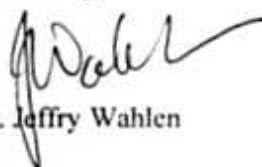
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Vista-United Telecommunications' 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

Enclosures

cc: All parties of record

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DOCUMENT NUMBER-DATE

12835 NOV 16 88

EPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Vista-United )  
 Telecommunications for a Partial )  
 Waiver of Rule 25-4.115, F.A.C. )  
 Regarding National Directory )  
 Assistance )  
 \_\_\_\_\_ )

Docket No. \_\_\_\_\_  
 Filed: November 16, 1998

**PETITION FOR PARTIAL WAIVER OF RULE**

Vista-United Telecommunications ("Vista" 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 Vista to provide National Directory Assistance ("NDA") under tariff to Vista'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. Vista is a local exchange telecommunications company providing services in Orange and Osceola Counties, Florida, pursuant to regulation by the Commission. Vista had fewer than 100,000 access lines on July 1, 1995; therefore, Vista is a small LEC pursuant to Section 364.052(1), Florida Statutes (1997). Vista has fewer than 100,000 access lines on the date of this petition, and has 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

12835 NOV 16 88

FPSC-RECORDS/REPORTING

Lynn B. Hall  
Vista-United Telecommunications  
3100 Bonnet Creek Road  
Lake Buena Vista, FL 32830

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

5. This petition is similar to the one filed by BellSouth in Docket No. 971560-TL, Sprint-Florida, Inc. in Docket No. 980231-TL, and Northeast in Docket No. 980716-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 Vista.

#### 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. Vista does not provide DA to its customers using its own operators. Rather, Vista is contracting with BellSouth so that BellSouth provides operator services, including DA, to Vista'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 Vista. It would be expensive and difficult for Vista to take operator services from BellSouth without the NDA service provided by BellSouth. It would be expensive and disruptive for Vista 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 Vista gets from BellSouth under its OSP contract, Vista will file a tariff amendment to provide NDA but 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 Vista'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 Vista because Vista 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, Vista 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. Likewise, by Order No. PSC-1378-FOF-TL, issued October 13, 1998, the Commission approved a similar request for Northeast.

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, Vista 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.