

**Ruth Nettles**

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**From:** Woods, Vickie [vf1979@att.com]  
**Sent:** Friday, February 13, 2009 12:50 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** (New Docket) Petition by AT&T Florida  
**Attachments:** Document.pdf; LEGAL-#726782-v1-Rule\_Waiver\_Petition.DOC

- A. Vickie Woods  
Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch,  
and Manuel A. Gurdian,  
BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
150 South Monroe Street, Rm. 400  
Tallahassee, FL 32301-1558  
(305) 347-5560  
[vf1979@att.com](mailto:vf1979@att.com)
- B. (New Docket) Petition by AT&T Florida for Waiver of Rule 25-4.040(2),  
Florida Administrative Code
- C. BellSouth Telecommunications, Inc.  
on behalf of Manuel A. Gurdian
- D. 12 pages total in PDF format (includes letter, certificate, pleading and Exhibit A)  
8 pages total in .word format (includes pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition for Waiver of Rule 25-4.040(2), Florida Administrative  
Code

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2/13/2009

DOCUMENT NUMBER-DATE

01117 FEB 13 8

FPSC-COMMISSION CLERK



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February 13, 2009

Ms. Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Petition by AT&T Florida for Waiver of Rule 25-4.040(2),  
Florida Administrative Code**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition for Waiver of Rule 25-4.040(2), Florida Administrative Code, which we ask that you file in the captioned *new* docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All parties of record  
Jerry Hendrix  
Gregory R. Follensbee  
E. Earl Edenfield, Jr.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Petition by AT&T Florida for Waiver of Rule 25-4.040(2),**  
**Florida Administrative Code**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U.S. Mail this 13th day of February, 2009 to the  
following:

Adam Teitzman  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)



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Manuel A. Gurdian

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by AT&T Florida for ) Docket No. \_\_\_\_\_  
Waiver of Rule 25-4.040(2) )  
Florida Administrative Code )  
\_\_\_\_\_ ) Filed: February 13, 2009

**AT&T Florida's Petition for Waiver of Rule 25-4.040(2),  
Florida Administrative Code**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code, hereby petitions the Florida Public Service Commission ("Commission") to waive the requirements of Rule 25-4.040(2), Florida Administrative Code, requiring a local exchange company ("LEC") to furnish one copy of the residential listings section of the telephone directory to its subscribers on an up front basis. Specifically, AT&T Florida seeks the following:

1. AT&T Florida is a local exchange company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes.
2. AT&T Florida's principal place of business is 675 W. Peachtree Street, NE, Atlanta, Georgia 30375.
3. All pleadings, notices and other documents directed to AT&T Florida in this proceeding should be provided to:

E. Earl Edenfield Jr.  
Tracy W. Hatch  
Manuel A. Gurdian  
AT&T Florida  
c/o Gregory R. Follensbee  
150 South Monroe Street, Ste. 400  
Tallahassee, FL 32301  
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DOCUMENT NUMBER DATE

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4. Rule 25-4.040(2) requires LECs to furnish each subscriber served by a directory one copy of the directory for each access line.<sup>1</sup>

5. Specifically, Rule 25-4.040(2) provides as follows:

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the local exchange telecommunications company, which may charge a reasonable fee therefor. Each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Bureau of Service Quality. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

6. Rule 25.4.040 cites to Florida Statutes § 350.127(2) as the “specific authority” for the Rule. Florida Statutes §§ 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171 and 395.1027 are cited as the “Law Implemented”.

7. Consistent with this rule, AT&T Florida, prior to 2009, provided AT&T Florida subscribers a printed white pages directory containing residential listings.

8. In 2009, AT&T Florida will initiate a program<sup>2</sup> in four of its markets (Jacksonville, Miami, West Palm Beach and Central Florida) in which subscribers receive a CD-ROM of the white pages directory containing residential listings rather than a printed white pages directory containing residential listings. At delivery, this CD-ROM

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<sup>1</sup> The Rule only requires a “copy” and does not specify a required medium for the directory.

<sup>2</sup> Should the Commission grant this Petition, AT&T Florida will discontinue this program in these markets and cease to provide the residential white pages (printed or CD-ROM versions) to subscribers in Florida on an up front basis. Subscribers would then have the option to order, at no cost to the subscriber, a paper white pages containing residential listings or in those markets where a CD-ROM is available, a CD-ROM.

would be included in the bag containing AT&T's Business White Page and Yellow Page directories. Subscribers would then have the option to order, at no cost to the subscriber, a printed white pages directory containing residential listings. See AT&T Florida's January 29, 2009 letter to Ms. Beth Salak, Director- Division of Regulatory Compliance, Florida Public Service Commission, describing the program attached hereto as Exhibit "A".

9. For nearly a hundred years, the residential white page directory was likely one of the most utilized books, and it served its purpose well. However, times have changed. While usage of AT&T's Business White Page and Yellow Page directories remain strong, AT&T's customers are now turning less and less to the residential white pages directory and are instead looking to online and other resources for listing information.<sup>3</sup>

10. AT&T Florida has found that consumers tend not to use the residential listings in the white pages directory because of the following:

- Growing number of homes do not have traditional wireline service.<sup>4</sup>
- Ability of wireless devices to store large volumes of numbers.
- Expanding use of Caller ID and similar technologies that capture numbers.

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<sup>3</sup> AT&T trialed the program described in paragraph 8 above in Austin, Texas and Atlanta Georgia. To date, only a fraction of AT&T's customers (less than 1% in Atlanta, just over 1.7% in Austin) have requested a paper copy of the directory.

<sup>4</sup> In Florida, based on FCC data, there are more numbers that are not in white page directories than are in the directories. Indeed, a recent report issued by the FCC's Wireline Competition Bureau shows that in Florida, as of June 30, 2007, there were 8,707,976 lines provided by ILECs (Table 8.5), 1,295,973 lines provided by CLECs (Table 8.5), and 15,255,433 wireless subscribers (Table 11.2). FCC Wireline Competition Bureau's August 2008 Trends in Telephone Service available for download at [www.fcc.gov/wcb/iatd/trends.html](http://www.fcc.gov/wcb/iatd/trends.html). See also, Florida Public Service Commission's December 31, 2007 Report on the Status of Competition in the Telecommunications Industry which provides that in Florida as of December 2007, there were 8,357,122 ILEC lines (Table 3-2) and 989,844 CLEC lines (Table 3-2), 15.8% of households in the U.S. were wireless-only households (p.39) and "[t]he number of wireless handsets in Florida has increased significantly over the number of wireline access lines in the state, and the gap appears to be widening" (p.40).

° Phone lists and directories from work, schools, places of worship, civic associations and similar organizations.

11. Based on the diminishing use of the printed residential white pages directories by customers and the growing reliance on and desire to use technological applications to retrieve directory information, change is in order. It no longer makes sense for AT&T Florida to distribute residential white pages directories to every customer every year. AT&T is committed to responding to customers' changing needs as well as to not wasting resources and operating in an environmentally friendly manner. Moving to replace an inefficient customer product with a more environmentally friendly solution is a positive initiative which effectively melds customer needs and desires with more efficient resource usage. Thus, in order to facilitate customer choice, AT&T Florida would like to expand the program mentioned above and cease providing the residential white pages (printed or CD-ROM versions) to subscribers in Florida on an up front basis.<sup>5</sup> Subscribers would then have the option to order, at no cost to the subscriber, a paper white pages containing residential listings or in those markets where a CD-ROM is available, a CD-ROM.

12. Recognizing that technological changes lead to lifestyle changes and a demand for innovative new products and services, AT&T has initiated similar directory alternatives in other states to provide customers with more desirable alternatives. In addition, other states have addressed the availability of optional forms of providing

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<sup>5</sup> Under AT&T Florida's proposal and upon Commission approval of this Petition, AT&T Florida would continue to furnish AT&T's Business White Pages and Yellow Pages directories. All information required by Commission Rules and Florida Statutes would be provided within these directories.

listing information and have adopted alternatives to delivery of the traditional printed directory.<sup>6</sup>

13. AT&T Florida is committed to providing its customers with the ability to choose how they access and use traditional white pages listing information by providing this information in multiple formats. Under AT&T Florida's proposal, residential listing information will be available to consumers across these multiple platforms:

[www.realpageslive.com](http://www.realpageslive.com)

[www.yellowpages.com](http://www.yellowpages.com)<sup>7</sup>

Print copy (upon request)

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<sup>6</sup> Most recently, the Oklahoma Corporation Commission amended its directory rule as follows:

Provision of directory to end-users; frequency. Each telecommunications service provider shall provide in conjunction with the provisioning of local exchange service, or make arrangements to provide its end-users in alphabetical, ~~white page~~, telephone directory for each service territory, exchange or group of exchanges. Telecommunications service providers may furnish white page directories in a variety of electronic formats, including CD-ROM, via the internet, or as printed directories. Such directory shall be issued at intervals consistent with satisfactory service, which, in the absence of unusual circumstances, will be at least once each year. If any alternative to a printed paper directory is provided, customers are to be furnished with notification at the time the directory is issued that they may request a printed version of their local directory at no charge. The notification shall also include a toll free number established for honoring such customer requests. A directory for an exchange or calling area may be issued. A printed copy of each directory published, which contains exchanges located in the State of Oklahoma, shall be furnished to the Commission and the Director of the Public Utility Division (Oklahoma exchanges only).

In the Matter of a Rulemaking of the Oklahoma Corporation Commission, Amending OAC 165:55, Telecommunications Service Rules, Cause No. 2000800005 submitted for legislative approval on January 7, 2009. *See also*, R.H. Donnelley, Petition for Variance of Section 735.180 of the Illinois Admin. Code, No. 07-0434, Order, October 24, 2007 (Illinois Commerce Commission permitted limited distribution of white pages directories); In the Matter of the Application of Cincinnati Bell Telephone Company LLC for Waiver of Certain Minimum Telephone Service Standards as Set Forth in Chapter 4901:1-5, Ohio Administrative Code, Case No. 0801197-TP-WVR. Order Issued January 7, 2009 and In the Matter of the Application of AT&T Ohio for Waiver of Certain Minimum Telephone Service Standards as set Forth in Chapter 4901:1-5, Ohio Administrative Code, Case No. 09-42-TP-WVR. Order Issued February 11, 2009. (Public Utilities Commission of Ohio granted ILECs' waiver requests and allowed ILECs to cease providing residential white page directories on an up front basis and to deliver residential white page directories to only those customers who requested them).

<sup>7</sup> Residential listings on Yellowpages.com are provided by whitepages.com. Whitepages.com acquires residential listings from multiple sources. AT&T listings are but one source among other publisher's residential information.

CD-ROM (upon request and where available)

14. AT&T's user-friendly directory website, [www.RealPagesLive.com](http://www.RealPagesLive.com)<sup>8</sup>, provides directory information in the traditional directory format. The same look and feel of the printed directory is provided on-line, but with capabilities simply not possible using a printed version. In addition, customers are able to access their local directory from any location where they can establish an Internet connection. All of the existing directory information is located on this site, including residential white pages listings, business white pages listings, government listings and the Customer Guide, which contains the information required by Commission Rules and Florida Statutes.

15. Moreover, this website also includes access to the AT&T Real Yellow Pages, and by June 2009, every AT&T directory in 21 states will be available on this site, providing customers with access to more directory information than they currently receive. In order to ensure that customers continue to receive some of the most important information currently included in the residential white pages directory, AT&T Florida proposes to distribute the Customer Guide information and the business white pages with the printed AT&T Real Yellow Pages directory that will continue to be published and distributed by its affiliate to AT&T Florida subscribers.

16. In order to inform its subscribers of its new approach, AT&T will prominently place in three locations in the directories, a description of the plan and the options by which customers could acquire and access directory content, including the toll

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<sup>8</sup> The electronic directory is superior to the printed version in a number of other ways: it is searchable electronically and listings can be located instantaneously, while the printed book can only be consulted manually by reviewing alphabetical listings, the user can page forward or backward to check on other listings or see the other portion of a listing caption; it is easily accessible anywhere there is Internet access, even over cell phones and PDAs; business websites listed in the printed directory become hot links to the actual business websites in the electronic directory; and font size can be easily adjusted to meet the needs and preferences of each customer.

free number<sup>9</sup> to request a free printed copy of the residential white pages listings (or in those markets where a CD-ROM is available, a CD-ROM) as follows: (1) in the customer call guide in the front section of the AT&T Real Yellow Pages directory; (2) in the community interest section of the AT&T Real Yellow Pages directory; and (3) on a stiff tab insert in the AT&T Real Yellow Pages directory. Moreover, for those subscribers who order CD-ROMs, AT&T will also place ordering information on the cardboard cover containing the CD-ROM and on the CD-ROM itself.

17. If the waiver request in the instant Petition is not granted, AT&T Florida, in order to provide the residential white pages to its subscribers in Florida will be providing a product which its customers are not using on a substantial basis and are using less and less every year. This obligation to provide residential white pages on an up-front basis is an ongoing burden upon AT&T Florida, is an inefficient use of resources in these tough economic times, restricts AT&T Florida from operating in an environmentally friendly manner and imposes a “substantial hardship” upon AT&T Florida.

18. AT&T Florida believes that its request serves the purposes of the underlying statutes and achieves the Rule’s intent, as subscribers will still be able to search for the listings of other subscribers via [www.realpageslive.com](http://www.realpageslive.com) and [www.yellowpages.com](http://www.yellowpages.com) and, upon request, a printed residential white pages directory or in those markets where a CD-ROM is available, a CD-ROM. Moreover, all information required by Commission Rules and Florida Statutes will continue to be provided to all subscribers in AT&T’s Business White Page and Yellow Page directories.

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<sup>9</sup> Upon ordering the printed white pages directory (or in those markets where a CD-ROM is available, a CD-ROM), subscribers would receive same within ten to fifteen business days.

19. Accordingly, based upon the foregoing, AT&T Florida requests a permanent waiver of Rule 25-4.040(2) as described above.

WHEREFORE, AT&T Florida requests that, having demonstrated good cause, the Commission waive the provisions of Rule 25-4.040(2) that requires AT&T Florida to furnish one copy of the residential listings section of the telephone directory to its subscribers.

Respectfully submitted this 13th day of February, 2009.

AT&T FLORIDA



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E. EARL EDENFIELD JR.

TRACY W. HATCH

MANUEL A. GURDIAN

c/o Gregory R. Follensbee

150 South Monroe Street, Ste. 400

Tallahassee, FL 32301

(305) 347-5558

726782



January 29, 2009

Ms. Beth Salak, Director  
Division of Regulatory Compliance  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: AT&T Residential White Pages Directory

Dear Ms. Salak:

As you may already know, Mr. Stan L. Greer with AT&T recently discussed with certain members of your Staff, Ms. Sally Simmons and Mr. Dale Mailhot, AT&T's desire to better match its directory publishing with the changing needs of its customer base. For nearly a hundred years, the residential white page directory was likely one of the most utilized books, and it served its purpose well. However, as we say so frequently, the times have changed. While usage for our business white page and yellow page directories remain strong, our customers are now turning less and less to the residential white pages directory and they are instead looking to online and other resources for listing information. In an effort to better align our operations with these customer trends, in addition to reducing our costs and improving the environment, AT&T's proposal is that rather than all subscribers receiving a paper white pages containing residential listings within an area, that all subscribers, within the areas discussed below, receive a CD-ROM of the white pages directory containing residential listings.<sup>1</sup> At delivery, this CD-ROM would be included in the bag containing AT&T's Business White Page and Yellow Page directories. Subscribers would then have the option to order, at no cost to the subscriber, a paper white pages containing residential listings within an area. Moreover, residential white pages listings, along with all other directory content, would also be available at [www.Realpageslive.com](http://www.Realpageslive.com) and [www.yellowpages.com](http://www.yellowpages.com).<sup>2</sup>

In order to inform consumers of this new approach, AT&T will prominently place in five locations a description of the plan and the options by which customers could acquire and access directory content, including the toll free number to request a free printed copy of the residential white pages listings as follows: (1) in the customer call guide in the front section of the AT&T Real Yellow Pages directory; (2) in the community interest section of the AT&T Real Yellow Pages directory; (3) on the cardboard cover containing the CD-ROM; (4) in the CD-ROM program; and (5) on a stiff tab insert in the middle of the AT&T Real Yellow Pages directory.

AT&T has trialed this approach for the delivery of its traditional residential white page directories in Austin, Texas and Atlanta Georgia. Rather than distributing a paper directory to every customer, AT&T provided CD-ROMs to all of its customers and made the printed residential white pages directory available upon request at no cost to the customers. To date, only a fraction of our customers (less than 1% in Atlanta, just over 1% in Austin) have requested a paper copy of the directory.

<sup>1</sup> As an initial step, AT&T will be providing the CD-ROMs to subscribers. In the near future, AT&T will file a Petition asking the Commission for approval to cease providing the residential white pages (hard copy or CD-ROM versions) to all subscribers on an up front basis. Subscribers would then have the option to order, at no cost to the subscriber, a paper white pages containing residential listings or in those markets where a CD-ROM is available, a CD-ROM.

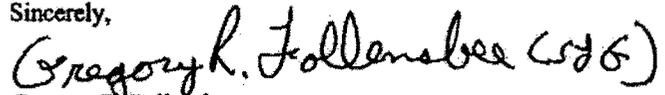
<sup>2</sup> Residential listings on [yellowpages.com](http://yellowpages.com) are provided by [whitepages.com](http://whitepages.com). [Whitepages.com](http://Whitepages.com) acquires residential listings from multiple sources. AT&T listings are but one source among other publisher's residential information.

Exhibit "A"

Given the success of the Austin and Atlanta trials, we'd like to extend this project to our customers in Florida. Initially we'd like to make the Jacksonville, Miami, West Palm Beach, and Central Florida (Orlando) residential white pages directories available on CD-ROM and upon request with our 2009 distribution. This project would be expanded to the Fort Lauderdale market in 2010.

AT&T believes this new approach is not only consistent with the Commission's Rules, it just makes better sense for our customers, our company and the environment. Please let me know if Commission Staff has any concerns with this exciting new approach to publishing residential white pages directories and should you happen to have any questions regarding AT&T's proposal, please do not hesitate to contact us.

Sincerely,



Gregory R. Follenbee  
Executive Director - Regulatory

cc: Sally Simmons  
Dale Mailhot