

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for numbering) DOCKET NO. 961153-TL
plan area relief for 904 area) ORDER NO. PSC-97-0408-FOF-TL
code, by BellSouth) ISSUED: April 14, 1997
Telecommunications, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER REOPENING RECORD

BY THE COMMISSION:

On September 20, 1996, BellSouth Telecommunications, Inc., (BellSouth) filed a petition with this Commission seeking approval of a plan to provide relief from the expected exhaustion of numbers available for assignment in the 904 NPA code. The 904 NPA code includes the Pensacola, Panama City, Tallahassee, Jacksonville and Daytona Beach LATAs, as well as a part of the Orlando LATA.

In Order No. PSC-97-0138-FOF-TL, issued February 10, 1997, we decided that the most appropriate way to avoid the expected exhaustion of the 904 NPA code was a geographic split following LATA lines, assigning a new NPA code to the Jacksonville LATA and a second new NPA code to the Daytona Beach and 904 portion of the Orlando LATAs, with the Tallahassee, Panama City and Pensacola LATAs retaining the 904 NPA code. We ordered that permissive dialing begin by June 30, 1997, and mandatory dialing, by June 30, 1998.

On February 21, 1997, ALLTEL Florida, Inc., (ALLTEL) and Northeast Florida Telephone Company, Inc., (Northeast) filed a joint motion for reconsideration of Order No. PSC-97-0138-FOF-TL and a request for oral argument on the motion. ALLTEL and Northeast attached two letters to their motion. The first letter is dated February 12, 1997, from Ronald R. Connors, Bellcore, Director, NANP Administration, to R. Stan Washer, NPA Code Administrator, BellSouth Telecommunications, Inc. The second letter is dated February 17, 1997, from Alan C. Hasselwander,

DOCUMENT NUMBER-DATE

03755 APR 14 97

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0408-FOF-TL
DOCKET NO. 961153-TL
PAGE 2

Chairman, NANC, to Chairman Johnson. Both letters addressed our decision in Order No. PSC-97-0138-FOF-TL to use two new area codes to provide 904 area code relief. ALLTEL and Northeast asked that we consider the letters as new evidence in our reconsideration decision. On February 28, 1997, St Joseph Telecommunications, Inc., (St. Joseph) and Quincy Telephone Company, Inc., (Quincy) filed a joint response in opposition to the motion, as did AT&T on March 10, 1997. The respondents all objected to consideration of the letters in our reconsideration deliberations on the grounds that the letter to Chairman Johnson was an ex-parte communication, and neither letter was part of the record in the proceeding.

On February 25, 1997, the City of Jacksonville (Jacksonville) filed a petition in support of ALLTEL's and Northeast's joint motion and a motion for leave to participate in their motion. Jacksonville also filed a request for oral argument. On March 4, 1997, St. Joseph, Quincy, Gulf Telecommunications, Inc., (Gulf) and Florala Telecommunications, Inc., (Florala) jointly filed a response objecting to Jacksonville's motion.

Since the motion for reconsideration was filed, staff received copies of other letters from the NANC, Bellcore, and the Federal Communications Commission (FCC) concerning our approval of a relief plan requiring two new area codes.

At the hearing in this case we heard testimony regarding the establishment of two new area codes to provide relief for the imminent exhaustion of the 904 area code. BellSouth witness Baeza was asked whether he was aware of any instance where the numbering plan administrator had rejected a state commission plan to provide area code relief. He replied that the administrator would review the plan to determine consistency with the industry guidelines and that he was aware that the administrator had rejected industry relief plans. He could not, however, think of a time when the administrator had rejected a plan approved by a state commission.

The same issue arose at the January 21, 1997, agenda conference when we made our decision to require two new area codes. We discussed whether Bellcore would release the codes, whether the NANC would object, and whether we should defer our decision until we heard definitively whether the administrator would release the codes. We decided not to defer our decision, reasoning that the decision should be made, and then the administrator and the NANC could respond.

The letters from Bellcore, the NANC, and the FCC, written after the record had closed and we had made our decision, represent responses of those entities to our decision. They address the

ORDER NO. PSC-97-0408-FOF-TL
DOCKET NO. 961153-TL
PAGE 3

questions that arose at the hearing and at the agenda conference but could not be answered at the time. We believe that the letters may provide new evidence that may be material to our reconsideration decision.

Accordingly, we find it appropriate to reopen the evidentiary record in this proceeding for the limited purpose of considering the letters from the NANC, Bellcore, and the FCC concerning our decision in Order No. PSC-97-0138-FOF-TL. We shall defer our reconsideration decision until the letters can be properly addressed. We will provide parties of record the opportunity to conduct limited discovery related to the letters. We will conduct a limited hearing on April 16, 1997, to receive evidence and to provide opportunity for argument on the letters. At the conclusion of the hearing, we will make a bench decision on the motion for reconsideration.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the evidentiary record in this proceeding shall be reopened to the extent described in the body of this Order. It is further

ORDERED that the Commission will hold a limited hearing on April 16, 1997, for the purposes stated in the body of this Order.

By ORDER of the Florida Public Service Commission, this 14th day of April, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

CJP

Commissioners J. Terry Deason and Diane K. Kiesling dissented.

ORDER NO. PSC-97-0408-FOF-TL
DOCKET NO. 961153-TL
PAGE 4

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.