

In a Competitive Marketplace, Directory Assistance Must Be Competitive

Competitive provision of directory assistance is critical in a competitive marketplace for several important reasons.

A first consideration is cost reduction. Long distance carriers have long recognized that they can reduce costs associated with providing directory assistance by handling calls themselves or contracting with competitive providers, who are independent of the local exchange carriers. Excell and other independent companies have won contracts to provide directory assistance services for competitive long distance companies and other telecommunications carriers.

A second issue relates to branding and company name recognition. To be successful in the very competitive telecommunications industry today, local and long distance carriers entering the marketplace must clearly differentiate their services from those of their competitors and must establish instant name recognition and brand loyalty among their customers. Competitive telecommunications providers realize that by providing their own directory assistance services they can strengthen their company's identity and image, and develop loyalty among their customers. Directory assistance provides invaluable direct contact with customers.

Acquainting customers with new product and service offerings is another important reason for competing local exchange and long distance companies to offer their own directory assistance services. New product lines, features, and service packages are fundamental to a competitive marketplace, affording customers an array of options at different price levels to meet their particular needs.

Fourthly, and very importantly, Excell and other independent directory assistance providers offer national and international directory assistance information, which is not the case with the established LECs. The number of long distance and international calls continues to increase, creating a rapidly growing market for national and international directory assistance services. Excell and other providers fill what would otherwise be a serious void in directory assistance for emerging competitors.

So long as established LECs are allowed to maintain exclusive control of telephone subscriber list information, they will retain unfair and insurmountable advantage over any new carriers seeking to compete in the local market. Even beyond that, unless the established LECs are required to license their subscriber list information in a nondiscriminatory and reasonable manner, they will have opportunities to create unfair and anticompetitive distortions in long distance and other markets, such as cellular and PCS, that utilize directory assistance services.

The opportunities for such anticompetitive behavior would remain even if the incumbent LECs agreed to list and serve customers of competing carriers on a fair-pricing basis. In such cases, the incumbent LECs retain exclusive control of the service and because of that exclusive control they are in a position to favor themselves and to disadvantage competing carriers. Competing carriers would be denied the opportunity to introduce cost-effective technologies; new services, such as message delivery to subscribers with non-published numbers; and procedures for handling directory assistance requests; as well as the opportunity to serve customers of other carriers and gain economies of scale.

All of these factors are critically important for carriers engaged in heated competition with larger, well-established, and well-known rivals. Carriers that provide their own directory assistance, directly or through an independent directory assistance company, clearly convey to customers that they are on a par with the established companies.

Subscriber List Information Is Essential for Providing Competitive Directory Assistance Services

The subscriber list information developed by each incumbent LEC for its serving area contains the names, addresses, and telephone numbers of all subscribers, and the primary advertising listing for business customers. The subscriber list information also includes the names of customers with unlisted telephone numbers – information that enables competitive directory assistance providers to safeguard the privacy of these persons by simply telling a caller that the telephone number is unlisted, as directory assistance operators have done traditionally.

Competitive directory assistance providers without access to subscriber list information are forced to rely on information obtained from commercial sources. Typically, such information is compiled from separate and conflicting sources, which are sometimes out of date and inaccurate, and which do not indicate customers with unlisted numbers. Such information does not provide a sufficient or satisfactory resource for provision of directory assistance services in competition with the established LECs, whose subscriber lists are continually updated and include subscribers with non-published numbers.

Access to the local exchange database is an unsatisfactory substitute for subscriber list information also. While the database does not have the same deficiencies as commercial lists, its limitations are severe. We note that the FCC's recent Order states, "We further find that a highly effective way to accomplish nondiscriminatory access to directory assistance, apart from resale, is to allow competing providers to obtain read-only access to the directory assistance databases of the LEC providing access." [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, para. 143.]

In fact, however, access to the LECs' databases is not in practice an effective way to gain nondiscriminatory access to directory assistance. Variations in database systems used by different LECs require competing directory assistance providers to invest millions of dollars to match each of these systems, and these expenditures make it impossible to offer competitive directory assistance .

Access to the directory information through the local exchange database requires independent directory assistance providers to match different technologies in different serving areas throughout the U.S., which poses a severe economic disadvantage. Also, LECs which offer access to the database often do so only under restrictive conditions and without the names of customers with non-published numbers. And, thirdly, in providing database access, the LECs also restrict the products and services that competitive local exchange carriers (CLECs) and other competitive providers can offer their customers. Access to the database is a totally unsatisfactory approach for providing directory assistance that is competitive with the directory assistance services offered by the LECs.

In its discussion of directory assistance and listings for purchase or resale to competitors, The FCC's recent Order emphasizes the Act's requirements that, "Under the general definition of 'nondiscriminatory access,' competing carriers must be able to obtain at least the same quality of access to these services that a LEC itself enjoys." [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, para. 142.]

The Act is explicit: "...a telecommunications carrier that provides telephone exchange service shall provide subscriber list information ... on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format". [47 U.S.C. 222 (e).]

Refusal of the RBOCs and Other LECs to License Subscriber List Information Limits Excell's Ability to Provide Competitive Directory Assistance Services

Increasing competition in long distance services and in local exchange services created a market for competitive provision of directory assistance, and Excell Agent Services was established to address that market. But without subscriber list information, Excell cannot complete its mission to provide "Best in Class" competitive directory assistance services.

Excell has negotiated with the RBOCs and other LECs for years in efforts to persuade these companies to license subscriber list information essential to the provision of competitive directory assistance, with very limited success. Several of the Bell companies have agreed to provide subscriber list information to some extent, but no company is in complete agreement. Bell Atlantic, NYNEX, Pacific Bell, and SBC are totally unresponsive, as are GTE and most of the other LECs contacted.

The RBOCs and other LECs that Excell has contacted refuse to make subscriber list information available on fair and reasonable terms, which limits Excell in providing competitive directory assistance services to interested carriers in the areas served by these LECs. Excell has petitioned all of the RBOCs and many other LECs to obtain and use subscriber list information for provision of directory assistance in all 50 states. Excell also provides directory assistance services to telecommunications carriers in other countries.

With the subscriber list information it has, Excell currently provides directory assistance services on a wholesale basis to telecommunications and multimedia companies, but the compiled lists now used in many areas are not as accurate as the LEC subscriber list information and these compiled lists are very limited with respect to information on subscribers with non-published numbers. With the availability of subscriber list information, Excell could offer its customers more accurate information and a full range of directory assistance services.

Making Subscriber List Information Available to Competitive Directory Assistance Providers Will Benefit Customers

First, if incumbent LECs are allowed to continue to retain exclusive control of subscriber list information, customers will be denied the full benefits of competition.

Long-established, monopoly directory assistance providers have little incentive to introduce new directory assistance features that customers might find useful, such as local travel and street information, Yellow Page searches, and local restaurant menus. In a competitive environment, on the other hand, all directory assistance providers would have every incentive to provide such distinctive services. If the LECs control the database, they will unquestionably use it to gain anticompetitive advantage.

If established LECs retain monopoly control over directory assistance and the subscriber list information, competitive local exchange carriers (CLECs) will also have difficulty establishing brand recognition with their customers. Consistent branding helps a local telephone customer to identify with a new local carrier, and such branding could easily be compromised if the established LEC controls directory assistance service. In a competitive marketplace, these and other enhancements are essential to the differentiation a CLEC must establish and maintain in order to attract and keep customers.

So long as the established LECs control subscriber list information, customers will be denied new products and services. If a CLEC changes its name, an established LEC will have no incentive to provide this information to customers promptly, as an independent directory assistance provider would. As another example, directory assistance operators have a number of phrases which are used in responding to inquiries. If a CLEC wants greater variety in the phrases, as another way of distinguishing itself from competitors and improving service, the incumbent LEC may simply decline such a request.

Importantly, monopoly provision of directory assistance also eliminates the opportunity for CLECs to introduce new technologies and greater efficiency to directory assistance and artificially keeps costs higher than they would be in a fully competitive marketplace.

Secondly, customers will be denied the benefits of competition if incumbent LECs retain control of subscriber list information while competitive directory assistance providers are permitted only database access.

In this situation, opportunities for competing directory assistance providers are limited because they have no control over the subscriber list information and cannot introduce new, more efficient technologies; they are left at the mercy of their chief competitors.

Many CLECs compete in multiple markets. With subscriber list information, a CLEC can operate more efficiently and take advantage of economies of scale by using a single directory assistance system for all of its serving areas. With database access, however, if a CLEC wishes to have its own directory assistance services throughout its serving areas, it will have to interconnect with different systems in use by the LECs. It will spend millions of dollars to match each of the systems and staff a separate group of operators for each, greatly increasing its costs and rendering its services less competitive.

Thirdly, the Act appropriately requires that subscriber list information be provided to competitive directory assistance companies, and, in a recent Order, the FCC has implemented those provisions.

With subscriber list information made available on nondiscriminatory and reasonable rates, terms, and conditions, all directory assistance providers can compete on even terms. Excell has a proven record of handling subscriber list information with responsibility for the integrity and security of the information and safeguarding customer proprietary network information and privacy, including non-published numbers. As is the case with the provision of local exchange services, mechanisms are in place to assure that all providers of directory assistance services will adhere to similar standards of responsibility and security in their handling of subscriber list information.

Promoting competition in directory assistance helps assure that customers will enjoy the full benefits of competitive price and service offerings and timely technology and product innovation.

The 1996 Act States That Subscriber List Information Must Be Made Available

The Telecommunications Act of 1996, signed into law on February 8, 1996, says that "...a telecommunications carrier that provides telephone exchange service shall provide subscriber list information gathered in its capacity as a provider of such service on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon request for the purpose of publishing directories in any format." [U.S.C. 222 (e)].

Subscriber list information is defined as any information "...identifying the listed names of subscribers of a carrier and such subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format." [Sec. 222(f)(3)]

In a May, 1996, Notice of Proposed Rulemaking (NPRM) on Implementation of Local Competition Provisions of The Telecommunications Act of 1996, the FCC notes that Section 222 [which was added as a new section to the Communications Act of 1934] took effect upon enactment and will be further specified by the FCC. The NPRM states: "Although *the requirements of Section 222 were immediately effective* [emphasis added], we tentatively conclude that regulations that interpret and specify in more detail a telecommunications carrier's obligations under subsections 222 (c) - (f) of the 1996 Act would be in the public interest." [FCC 96 - 221, May 16, 1996, para. 2]

In a recent Order implementing the local competition provisions of the Act, the FCC adopts final rules on Part 51 of Title 47 of the U.S. Code of Federal Regulation, dealing with directory assistance and other issues. Under a section on directory assistance and directory listings, the rule states, "(ii) *Access to directory listings. A LEC shall provide directory listings to competing providers in readily accessible magnetic tape or electronic formats in a timely fashion upon request. A LEC also must permit competing providers to have access to and read the information in the LEC's directory assistance databases.*" [Emphasis added] [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, Appendix B - Final Rules, Sec. 51.217 (c)(3).]

The order says, "Section 251 (b)(3) requires that each LEC, to the extent that it provides telephone numbers, operator services, directory assistance, and/or directory listings for its customers, must permit competing providers *nondiscriminatory* [sic] access to these services. Any standard that would allow a LEC to permit access that is inferior to the quality of access enjoyed by that LEC itself is not consistent with Congress' goal to establish a pro-competitive policy framework." [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, para. 102.]

In the same order, the FCC addresses nondiscriminatory access to directory assistance information at length, and concludes that, "...the term 'nondiscriminatory access' means that a LEC that provides telephone numbers, operator services, directory assistance, and/or directory listings ("providing LEC") must permit competing providers to have access to those services that is at least equal in quality to the access that the LEC provides to itself. We conclude that 'nondiscriminatory access,' as used in section 251 (b)(3), encompasses both: (1) nondiscrimination between and among carriers in rates, terms and conditions of access; and (2) the ability of competing providers to obtain access that is at least equal in quality to that of the providing LEC. LECs owe the duty to permit nondiscriminatory access to competing providers of telephone exchange service and to providers of telephone toll service, as the plain language of the statute requires. Such competing providers may include, for example, other LECs, small business entities entering the market as resellers, or CMRS providers." [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, para. 101.]

The Order further states, "Finally, we note that in the *First Report and Order* we found that operator services as well as directory assistance are network elements that an incumbent LEC must make available to requesting telecommunications carriers. In the absence of an agreement between the parties, unbundled element rates for operator services and directory assistance are governed by section 252 (d)(1) and our rules thereunder. The obligation of incumbent LECs to provide operator services and directory assistance as unbundled elements is in addition to the duties of all LECs (including incumbent LECs) under section 251 (b)(3) and the rules we adopt herein." [FCC 96-333, Second Report and Order and Memorandum Opinion and Order, Adopted August 8, 1996, para. 115.]

State Actions

Some states, including California, Florida, New York, and Texas, have recognized the importance of subscriber listings to third parties for wholesale provision of directory assistance and directory publishing for new local-exchange and interexchange providers.

In a recent Order, the New York Public Service Commission instituted a process to investigate the sale of local exchange carrier directory database information and directory assistance services. [NYPSC Case 94-C-0095, Order Instituting Process to Investigate the Sale of Local Exchange Carrier Directory Database Information and Directory Assistance Services, July 19, 1996.] Among the subjects to be addressed in the process, which is scheduled to begin in September, 1996, are the following:

- Should alternative directory publishers have access to incumbent and entrant directory databases or database information and at what cost?
- If access is granted, how should equitable and fair provision of database information be accomplished?

- Since databases are continually being updated, what issues should be addressed to ensure availability of the most current listing information?
- What privacy safeguards are necessary regarding listing information?
- Should directory assistance databases be under the administration of incumbents, their regulated subsidiaries or independent third parties?
- What database security issues are involved and how can they be resolved?
- With regard to access to new entrant and incumbent directory assistance listing information, what compensation arrangements are necessary and how should they be structured?
- Who owns subscriber listing information?
- Should cellular and Personal Communications Services (PCS) directory listings be included in incumbent LEC directories and directory assistance databases as well?
- How should access to complete name, location and telephone number information for telephone customers be assured to 911 and emergency services?

Excell Agent Services

Obtaining subscriber list information is of utmost priority for Excell Agent Services, an Arizona company which was organized for the specific business purpose of providing voice directory assistance services on a wholesale basis to companies involved in the telecommunications and multimedia businesses. These companies include new companies competing for the provision of local exchange services and access to long distance; interexchange telecommunications providers; international telecommunications companies; cellular and other wireless service providers; cable companies providing telecommunications services; and electric utilities and municipalities providing telephone services. Excell's objective is to provide to all these companies wholesale directory assistance services that will be equal in all respects to the directory assistance services provided by the incumbent LECs and facilities-based interexchange carriers.

Without subscriber list information, Excell, and other companies engaged in providing directory assistance services on a wholesale basis, cannot provide their customers the same information they would receive from an incumbent LEC, and the information they do provide is more likely to be inaccurate and/or obsolete.

BELLSOUTH
TELECOMMUNICATIONS, INC.
FLORIDA

GENERAL SUBSCRIBER SERVICE TARIFF

Original Page 1

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BY: Joseph P. Lacher, President - FL
Miami, Florida

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A38. LISTING SERVICES¹

(2)

A38.1 Directory Assistance Database Service (DADS)

A38.1.1 Description of Service

A. Upon request, the Company will provide local exchange subscriber name, address and telephone number listings (except as limited by D. following), solely for the customer's expressed purpose of providing Directory Assistance type services to its end users. The term "end user" denotes any entity who obtains Directory Assistance type services for its own use from a DADS customer. Directory Assistance type services are defined as:

- 1. Voice Directory Assistance (DA Operator or DA Operator System assisted), and
- 2. Electronic Directory Assistance (Data Systems assisted).

B. DADS is available and may be ordered on a Business, Residence or combined Business and Residence listings basis for each Central Office requested. The data provided will include all eligible listings as outlined in C. and D. following.

C. DADS will include the following:

1. Base File

An extract containing all qualified listed names, addresses and telephone numbers of Company and Independent Telephone Company (to the extent permitted by contractual agreement with the Individual Independent Telephone Companies) subscribers located in a requested NPA, which includes the following:

- a. Listed Name - As input on the Company service order.
- b. Listed Address - House Number Prefix or Suffix, Street Name Prefix or Suffix, Address Prefix or Suffix, Community Name, State Name.
- c. Telephone Number
- d. Account NPA - Originating NPA
- e. Account NXX - Originating NXX
- f. Exchange Code - Originating Community Code
- g. Date - Current date of Extract/Update
- h. Directory Indicator - Alternate Community Name Indicator, if applicable indicator will be set for foreign directory name.
- i. Directory Name - Alternate Community Name, if applicable for foreign directory name listing.
- j. Unique Business/Residence/Government Indicator
- k. Phrase Codes - Special information regarding listing's telephone service (e.g., telephone observing equipment, teletype service for the deaf).

In addition to the preceding listed information, the customer may optionally request Non-Listed listings which will include the information defined in a., b. and c. preceding and/or Non-Published listings which will include information defined in a. preceding.

The Company will require sufficient time (approximately one month) after receiving an order to prepare the Base File.

2. Daily Updates

Note 1: Text is shown as new due to reissue of all Tariff Sections. No changes in rates or regulations were made with this filing.

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FLORIDA

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Original Page 2

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A38. LISTING SERVICES¹

(2)

A38.1 Directory Assistance Database Service (DADS) (Cont'd)

A38.1.1 Description of Service (Cont'd)

C. DADS will include the following: (Cont'd)

2. Daily Updates (Cont'd)

Daily updates will reflect all listing change activity occurring since the customer's most recent update. The updates are provided on a Business, Residence, or combined Business and Residence basis. The updates shall be used solely by the customer to keep his information current. Delivery of Daily Updates will commence the day after the customer receives his Base File.

D. DADS is not a verbatim copy of the Company's Directory Assistance (DA) Database or of the Company's Directory. The following listings will not be provided with DADS:

1. Secondary Listings
2. Listings that are deemed by the Company as inappropriate to provide

E. The Company reserves the right to exclude any name at the request of the Company's subscribers.

F. License fees, Cancellation fees, and Termination Liability fees for DADS are as set forth in A38.1.3 following.

A38.1.2 Regulations

- A. All right, title and interest in and to DADS, including all intellectual property rights pertaining thereto, will remain with the Company. The Company licenses the use of DADS to the customer. The title to DADS shall remain solely with the Company whether or not it is in the possession of a customer.
- B. Use of DADS shall be limited solely to the customer's provisioning of Directory Assistance type services as defined in A38.1.1 preceding.
- C. DADS may not be used for any purpose which violates federal or state laws, statutes, regulatory orders or tariffs.
- D. Except for the permitted uses, the customer shall not disclose DADS to others and shall use due care in providing for the security and confidentiality of DADS. The customer shall not rent, license or resell DADS for any purpose, nor shall customer permit its end users to do the same. The customers shall not reproduce DADS except for the preparation of archival or backup copies. Failure to comply with the provisions of this Tariff shall result in termination of the service and customer shall immediately return to the Company all copies of DADS in its possession and shall make no further use of DADS data. The Company may refuse to furnish the service when it has reasonable grounds to believe that such service shall be used in violation of this Tariff.
- E. The minimum service period for DADS is twelve (12) months. The regulations as set forth for deposits and payment of service in A2.4 of this Tariff shall apply. If a customer cancels an order for the Base File prior to the scheduled delivery date, the customer shall pay the Company a cancellation fee as specified in A38.1.3.B. If a customer terminates his subscription to DADS on or after the scheduled delivery date of the Base File, termination fees are due as outlined in A38.1.3.C.

Note 1: Text is shown as new due to reissue of all Tariff Sections. No changes in rates or regulations were made with this filing.

OFFICIAL APPROVED VERSION, RELEASED BY BSTRQ
GENERAL SUBSCRIBER SERVICE TARIFF

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TELECOMMUNICATIONS, INC.
FLORIDA

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Miami, Florida

First Revised Page 3
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A38. LISTING SERVICES

A38.1 Directory Assistance Database Service (DADS) (Cont'd)

A38.1.2 Regulations (Cont'd)

- F. The customer shall provide written specifications, signed by a duly authorized representative of the customer, for each DADS order. All orders must be confirmed in writing by the customer. The Company shall not be liable for any errors or deficiencies in the data provided. The customer agrees to release the Company from any and all liability which may arise due to any errors and omissions in the Company's listings.
- G. The customer shall protect, indemnify, save harmless and defend the Company from and against any and all loss, liability, damages and expense arising out of any demand, claim, suit or judgment for damages that may arise out of the Company's supplying of DADS or use of data contained therein irrespective of any fault, failure, or negligence on the part of the Company.
- H. Neither the customer nor its employees, agents or representatives shall represent in any way to any person or make any untrue or misleading advertising claim that its directory assistance type service is sponsored or approved by the Company or that the Company or any of its affiliates are in any way connected with the customer or that the Company or any of its affiliates have any responsibility for the customer's service.
- I. The customer, its employees, representatives or agents shall not use any methods of advertisement, solicitation, order form, billing invoice, stationery, promotional material or any artifice or device which would tend to create the impression or imply that the customer was or is associated with or sponsored by the Company or any of its affiliates. In addition, the customer shall prominently display its name on each of the above and identify itself by name when providing directory assistance type services to its end users.
- J. The customer shall remit to the Company monthly an itemized statement of usage by Central Office.
- K. The customer shall make available to the Company upon request necessary records to allow the Company to audit the number of requests received from the DADS customer's end users. The Company may perform an audit at any time. The results of the audit will be presumed to be correct. The Company will adjust the customer's bill and will bill the customer per the results of the audit.
- L. The Company may terminate the service when it has reasonable grounds to believe that full payment is not being made.
- M. The customer will be billed a usage charge as determined by the Company in the event the customer does not report their usage on a monthly basis.
- N. Prior to receipt of the Base File the customer must provide the Company with a written plan outlining the method used to record and accumulate the amount of usage to be reported to the Company.

A38.1.3 Rates and Charges

- A. The following license fees apply for Directory Assistance Database Service.
 - 1. Use Fee¹

	Rate	USOC
(a) Per DADS customer's end user request	\$0390	NA

Note 1: DADS must be ordered for a minimum of twelve consecutive months.

**BELLSOUTH
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A38. LISTING SERVICES

A38.1 Directory Assistance Database Service (DADS) (Cont'd)

A38.1.3 Rates and Charges (Cont'd)

A. The following license fees apply for Directory Assistance Database Service. (Cont'd)

2. Monthly Recurring Charge

Monthly Rate	USOC
\$150.00	DSJAY

(a) Per Month

B. Cancellation Fees¹

1. Prior to scheduled delivery of initial base file

Nonrecurring Charge	USOC
\$-	NA

(a) Per Cancellation

C. Termination Fees²

1. On or after scheduled delivery of initial base file

(a) Per Termination

NA

A38.2 Directory Publishers Database Service (DPDS)

A38.2.1 Description of Service

A. At the request of a customer, the Company will provide Directory Publishers Database Service (DPDS) to a customer solely for the compilation, production, publication, correction, and distribution of printed booklet CD ROM or diskette directories as alphabetical and/or numerically sequenced classified telephone directories for general telephone number service and/or for the sale or solicitation of advertising from business customers to be contained in a published directory. A directory is defined as a dated, tangible alphabetical and/or numerically sequenced list containing the listed names, addresses, primary business classification (where available) and telephone numbers of BellSouth's subscribers located within the central office NPA-NXX codes requested for publishing in printed, diskette or CD ROM format.

B. Directory Publishers Database Service (DPDS) will optionally provide a Weekly Business Activity Report (WBAR) which may be used for the sale or solicitation of advertising to be contained in a published directory. The WBAR may also be used for update and/or delivery of directories; however, WBAR may not be suitable for these purposes. The customer assumes full responsibility for the use of the WBAR to update and deliver directories.

C. BellSouth will commence development of a New Connect Report (NCR) upon receipt of a bona fide order(s) for such service; which may then be provided as a DPDS option to be implemented 30 days from the initial order date and no later than 7/1/97. While there would be no minimum subscription period for NCR, the ordering customer(s) would be required to pay BellSouth a minimum of the entire cost of service development, regardless of the subscription period. In the event the ordering customer(s) cancel service prior to the time the Company has recovered its costs via rates paid for the NCR option(s), these costs will be recovered via a termination fee to be paid by the customer(s). The termination fee would be equal to the difference in rates paid for the option by the customer(s) to BellSouth and the Company's total development costs incurred.

The NCR option developed would include provision of only the names, telephone numbers, listed address and billing addresses (if different from the listed address) of new BellSouth residential and/or business subscribers (ordering DPDS customers may specify residence, business or both). The listing data provided would include only the complete mailing addresses for non-listed and non-published numbers. Residence listings provided via NCR may be used solely for the purpose of delivering telephone directories. Business listings provided via the NCR may be used for soliciting yellow page advertising and for delivering directories.

Note 1: The nonrecurring cancellation fee will be computed to allow the Company to recover all cost incurred by the Company for work performed prior to cancellation.

Note 2: The DADS termination fee applies when the customer requests termination of DADS service prior to the 12 month minimum subscription period. The termination fee will be determined by multiplying the number of months remaining in the 12 month subscription period by the monthly recurring charge, referenced in A38.1.3.A. preceding.

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A38. LISTING SERVICES

A38.2 Directory Publishers Database Service (DPDS) (Cont'd)

A38.2.1 Description of Service (Cont'd)

- D. BellSouth will commence development of a Sort Extract option which would provide a one time extract of listings sorted in any of the following sequences: NPA-NXX code, zip code (when available on records), residential customer, business customer and/or "A to Z" extractions of foreign exchanges, remote call forwarding and 800 numbers upon receipt of a bona fide order(s) for such service. In the event a bona fide order is received, the Sort Extract option may then be provided as a DPDS option to be implemented 30 days from the initial order date and no later than 7/1/97. While there would be no minimum subscription period for Sort Extract option, the ordering customer(s) would be required to pay BellSouth a minimum of the entire cost of service development, regardless of the subscription period. In the event the ordering customer(s) cancel service prior to the time the Company has recovered its costs via rates paid for the Sort Extract option, these costs will be recovered via a termination fee to be paid by the customer(s). The termination fee would be equal to the difference in rates paid for the option by the customer(s) to BellSouth and the Company's total development costs incurred.
- E. BellSouth will commence development of a Daily Update option which would provide daily service order activity affecting the designated database of listings maintained by the customer sequenced in any of the Sort Extract option formats described in paragraph D. preceding. In the event a bona fide order is received, the Daily Update option may then be provided as a DPDS option to be implemented 90 days from the initial order date and no later than 9/1/97. While there would be no minimum subscription period for Daily Update option, the ordering customer(s) would be required to pay BellSouth a minimum of the entire cost of service development, regardless of the subscription period. In the event the ordering customer(s) cancel service prior to the time the Company has recovered its costs via rates paid for the Daily Update option, these costs will be recovered via a termination fee to be paid by the customer(s). The termination fee would be equal to the difference in rates paid for the option by the customer(s) to BellSouth and the Company's total development costs incurred.
- F. Directory Publishers Database Service (DPDS) is available and must be ordered by Central Office NPA-NXX codes as specified in A38.2.3.
- G. DPDS will provide the following:
1. **Central Office NPA-XXX Listing File**

An extract containing the listed names, addresses, primary business classification (where available) and telephone numbers of Company subscribers located within the Central Office NPA-NXX codes requested.

Central Office NPA-NXX Listing Files will be provided on either magnetic media (round 9-track 6250 BPI tape) or printed paper at the customer's request.

The Company will require sufficient time (approximately 2 weeks) after receiving an order to prepare the Central Office NPA-NXX Listing File.
 2. **Weekly Business Activity Report (WBAR)**

Weekly reporting changes affecting the business listings of the Company's subscribers served via a requested Central Office NPA-NXX will be provided optionally, at the customer's request, as specified in A38.2.3 following. These reports will include changes in main listed names, addresses and telephone numbers resulting from orders establishing, terminating or orders transferring main service (N,D,R,X,C and T orders). These reports are made available exclusively to directory publishers for their use in soliciting advertising for future directories. These reports will not be provided to other types of customers for any other purpose. The business subscriber data will include:
- a. Listed Name
 - b. Listed Address
 - c. Listed Telephone Number
 - d. Billing Name (if different from the listed name)
 - e. Billing Address (if different from the listed address)
 - f. Primary Business Classification (as selected by the business subscriber if such business classification was obtained by the Company)¹

Note 1: The primary business classification may not be retained by the Company beyond one week and therefore may not be available after that week.

BELLSOUTH
TELECOMMUNICATIONS, INC.
FLORIDA

ISSUED: May 16, 1997
BY: Joseph P. Lacher, President -FL
Miami, Florida

GENERAL SUBSCRIBER SERVICE TARIFF

First Revised Page 6
Cancels Original Page 6

EFFECTIVE: May 21, 1997

A38. LISTING SERVICES

A38.2 Directory Publishers Database Service (DPDS) (Cont'd)

A38.2.1 Description of Service (Cont'd)

- E. The customer must take reasonable steps to remove from its records and not publish in its directory any listing relating to subscriber service upon reasonable notice given by the Company and confirmed in writing that the listing has become non-published or non-listed in the records of the Company. (C)
- I. The Company will take reasonable steps to provide accurate and current information when listings are ordered under this Tariff. Customer understands and acknowledges, however, that the data will require editorial review and revision. When the customer suspects errors or omissions in the listing information received, the customer agrees to contact the Company and supply it with copies of the suspected errors or omissions. The customer may change the listing provided to reflect the corrected listing information in the directory it publishes. The Company has no obligation to update the information after it has been transmitted to customer, except as provided in any tariff update service. (M)
- J. Upon any request for Directory Publishers Database Service, the Company shall provide the customer with or will notify the customer of a reasonable procedure for obtaining such additions and discontinuances of Central Office NPA-NXX codes. The Company is not required to provide notice of such additions and discontinuance of Central Office NPA-NXX codes to the customer as long as there is a reasonable method by which the customer can obtain that information. (M)
- K. Rates for the use of DPDS are as set forth in A38.2.3 following. (M)

A38.2.2 Regulations

- A. The Company authorizes the use of DPDS pursuant to the terms of this Tariff. By virtue of such authorization, the Company does not transfer right, title or interest (including intellectual property rights), if any, which it may have in and to DPDS. This Tariff does not create or negate any rights, restriction, or prohibitions which exist pursuant to federal copyright or state and federal trademark law. The rights and obligations of the parties under those laws shall be determined in the appropriate agency or forum.
- B. When ordering an initial Central Office File, customer must within 180 days either:
 - 1) Publish its directory, or
 - 2) Order a subsequent Central Office NPA-NXX File, or
 - 3) If available, subscribe to a DPDS update serviceCustomer must publish its directory within 15 months of receipt of the initial DPDS Central Office NPA-NXX Listing File. The directory shall be initially published within such time frames in order to assume reasonably current number services data to users of the directory and thus avoid unnecessary use of the Company network, facilities or operations.
- C. Customer shall furnish without charge to the Company, within one month of directory publication, a copy of the white pages from its published directory(ies).
- D. Directory Publishers Database Service may not be used for any purpose which violates federal or state laws, statutes, regulatory orders or tariffs.

BELLSOUTH
TELECOMMUNICATIONS, INC.
FLORIDA

GENERAL SUBSCRIBER SERVICE TARIFF

Original Page 7

ISSUED: July 1, 1996
BY: Joseph P. Lacher, President - FL
Miami, Florida

EFFECTIVE: July 15, 1996

A38. LISTING SERVICES¹

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A38.2 Directory Publishers Database Service (DPDS) (Cont'd)

A38.2.2 Regulations (Cont'd)

- K. The customer may not use DPDS to publish and distribute in any form lists of new or changed telephone subscribers. The customer shall not reproduce, rent, license or resell DPDS for any purpose other than as provided for in this Tariff.
- F. Except for the permitted uses, the customer shall not disclose DPDS to others and shall use due care in providing for the security and confidentiality of DPDS. The Company may suspend, terminate or refuse service if it has reasonable grounds to believe that the customer has failed to comply with any material provision of their Tariff, including failure to pay amounts due. If there is a "bona fide dispute" over whether the customer has failed or will fail to comply, the Company will follow its internal procedures to investigate and resolve the dispute.
If the Company refuses to furnish service, the Company shall give the customer notice by certified mail of the Company's grounds to believe that the customer will fail to comply and of the intent to refuse service. Prior to any suspension or termination of service, the Company shall give the customer notice by certified mail of the customer's failure to comply and of the intent to suspend or terminate service. Following ten (10) days from the receipt of the notice, the Company may suspend or terminate the service.
The customer shall have the right to bring the issue of the suspension of, termination of, or refusal to furnish service before the Florida Public Service Commission (FPSC) and the FPSC shall have final authority over the suspension, termination, or refusal to furnish service. If service is suspended or terminated, the customer agrees to return immediately all copies in its possession and to make no further use of DPDS data.
- G. Unless otherwise agreed to in writing, neither the customer nor its employees, agents or representatives shall state or represent or use any methods of advertisement, solicitation, order form, billing invoice, directory, stationary, promotional material or any artifice or device which indicates its directories are sponsored or approved by the Company or by the Company's affiliates. In addition, customer shall clearly display its name in print sufficiently large that a reasonable observer could easily determine the identity of the customer on each of the above.
- H. Customer shall undertake reasonable steps in advertising and publishing its directories to distinguish the identity of its directories from those published by or on behalf of the Company.
- I. The regulations set forth for deposits and payment of service in A2.4 of this Tariff shall apply for DPDS.
- J. The customer shall provide written specifications, signed by a duly authorized representative of the customer, for each DPDS order. All orders must be confirmed in writing by the customer.
- K. The customer shall indemnify, hold harmless and defend the Company from and against any Cost damage, expense (including, but not limited to reasonable attorneys fees and expenses) or liability arising out of any demand claim suit for judgment for damages, however, caused which may arise out of the customer's use of the listings provided under this Tariff, including but not limited to claims arising out of errors or omissions in any paid advertisements and claims arising out of publication or non-publication of listing information that changes after the listing is provided to the customer. The customer shall not be responsible for any cost, damage, expense or liability arising out of any fault or negligence of the Company.

Note 1: Text is shown as new due to reissue of all Tariff Sections. No changes in rates or regulations were made with this filing.

ISSUED: May 16, 1997
BY: Joseph P. Lacher, President -FL
Miami, Florida

EFFECTIVE: May 21, 1997

A38. LISTING SERVICES

A38.2 Directory Publishers Database Service (DPDS) (Cont'd)

A38.2.2 Regulations (Cont'd)

- L. The customer accepts the listing information as received from the Company's subscriber on an "as is" basis, with all the faults, errors, and omissions, if any, that exist when the Company receives the information from the Company's subscriber, and the Company does not warrant the accuracy of the information as received from its subscriber and furnished to the customer. The Company assumes no responsibility or liability for any errors or omissions in the information as received by the Company from its subscriber and furnished to the customer.

The Company assumes no liability for errors and omissions of any kind contained in any paid advertisement included in publisher's directory. Customer agrees that all listing information derived from DPDS and contained in any such paid advertisement, including names, addresses and telephone numbers shall be obtained from or verified by the advertiser whose advertisement appears in publisher's directory.

The Company's liability to the customer shall be limited to a pro rata refund or credit of amounts paid for listings affected thereby. The subscriber's recovery for any and all damages resulting from errors or omissions in the listing information furnished by the Company to the customer for use in directories shall be limited to the amount of actual impairment of the subscriber's service and in no event shall exceed one-half the amount of the charge to the subscriber for Local Exchange Service during the period covered by the directory, or \$500.00, whichever is less.

The Company's liability for intentional or gross fault is not hereby limited.

Any claim or demand by the customer based on alleged errors or omissions in the information furnished must be brought to the attention of the Company within sixty (60) days of the time the information is furnished to the customer.

- M. Failure of the customer to indemnify the Company under the provisions of A38.2.2.K. will constitute grounds for suspension or termination of service.

A38.2.3 Rates and Charges

- A. The following rates for use of Directory Publishers Database Service (DPDS) apply:

1. Each Single Central Office NPA-NXX Listing File Requested; for use to publish

	Rate	USOC
(a) Single edition of a printed directory, Per Listing	\$.04	NA
(b) Multiple editions of printed directories, Per Listing	.12	NA
(c) CD ROM directory, Per Listing	.18	NA

2. (DELETED)

(D)

BELLSOUTH
 TELECOMMUNICATIONS, INC.
 FLORIDA
 ISSUED: May 16, 1997
 BY: Joseph P. Lacher, President -FL
 Miami, Florida

GENERAL SUBSCRIBER SERVICE TARIFF

First Revised Page 9
 Cancels Original Page 9

EFFECTIVE: May 21, 1997

A38. LISTING SERVICES

(M)

A38.2 Directory Publishers Database Service (DPDS) (Cont'd)

A38.2.3 Rates and Charges (Cont'd)

A. The following rates for use of Directory Publishers Database Service (DPDS) apply: (Cont'd)

3. Weekly Business Activity Report ¹ (WBAR)				
	(a) Per Central Office NPA-NXX Listing (for all listings in the Central Office requested)	Rate \$0.06	USOC NA	
4. Cancellation Fees ²				
	(a) Each Central Office NPA-NXX Listing File	Nonrecurring Charge \$-	USOC NA	
	(b) Each Weekly Business Activity Report	.	NA	
5. Daily Update				(N)
	(a) Each Updated Listing Provided	Rate \$ 1.50	USOC NA	(N)
6. Sort Extract				(N)
	(a) Per Listing	.10	NA	(N)
7. New Connect Report				(N)
	(a) Per Listing Provided	2.00	NA	(N)
8. Termination Fee ³				(N)
	(a) For Items 5, 6 and 7 Preceding	Nonrecurring Charge \$-	USOC NA	(N)
Note 1: The minimum service period is one month.				
Note 2: The nonrecurring charge will be computed to allow the Company to recover all costs incurred by the Company for work performed prior to cancellation.				
Note 3: The nonrecurring charge will be computed to allow the Company to recover all developmental costs incurred by the Company.				(N)

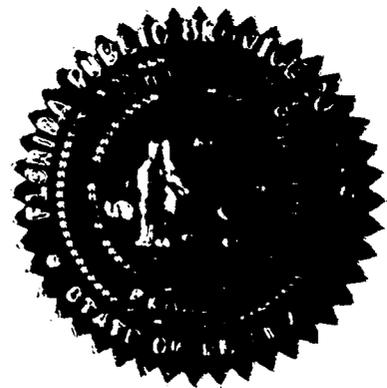
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of

Petition and Complaint of
Florida Independent Directory
Publishers to Amend Directory
Publishers Database Service
Tariff of BellSouth
Telecommunications, Inc., d/b/a:
Southern Bell Telephone and
Telegraph Company

DOCKET NO. 931138-TL



PROCEEDINGS: HEARING

BEFORE: CHAIRMAN JULIA L. JOHNSON
COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER DIANE K. KIESLING
COMMISSIONER JOE GARCIA

DATE: Monday, January 13, 1997

TIME: Commenced at 9:30 a.m.
Concluded at 1:25 p.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JOY KELLY, CSR, RPR
Chief, Bureau of Reporting
RUTHE POTAMI, CSR, RPR
Official Commission Reporters

DOCUMENT NUMBER-DATE
00654 JAN 17 97
BUREAU OF REPORTING

1 **APPEARANCES:**

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5 Telephone No. (904) 222-0720, appearing on behalf of
6 **Florida Independent Directory Publishers.**

7 **J. PHILLIP CARVER,** BellSouth
8 Telecommunications, Inc., Suite 400, 150 South Monroe
9 Street, Tallahassee, Florida 32301; and **LANGLEY**
10 **KITCHINGS,** Room 4300, 675 W. Peachtree Street, N.E.,
11 Atlanta, Georgia, 30375, appearing on behalf of
12 **BellSouth Telecommunications, Inc.**

13 **CHARLIE PELLEGRINI,** Florida Public Service
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16 32399-0870, Telephone No. (904) 413-6248, appearing on
17 **behalf of the Commission Staff.**

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I N D E X

WITNESSES

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1 Directory Publishers.

2 MR. PELLEGRINI: Charles Pellegrini on
3 behalf of Commission Staff, 2540 Shumard Oak
4 Boulevard, Tallahassee, Florida 32399.

5 CHAIRMAN JOHNSON: Counsel, are there any
6 preliminary matters?

7 MR. PELLEGRINI: Yes, Madam Chairman. As a
8 preliminary matter Staff would ask the Chairman to
9 officially recognize four Commission Orders. These
10 being the following: PSC-93-0485-FOF-TL, issued
11 4-1-93.

12 CHAIRMAN JOHNSON: Could you repeat that.

13 MR. PELLEGRINI: I'm sorry?

14 CHAIRMAN JOHNSON: Is it in this list, or
15 are you making it oral?

16 MR. PELLEGRINI: I'm making it orally.

17 CHAIRMAN JOHNSON: Could you repeat that
18 then?

19 MR. PELLEGRINI: Yes. PSC-93-0485-FOF-TL
20 issued April 1, 1993.

21 The second, PSC-94-0641-FOF-TL issued
22 May 25, 1994.

23 Third, PSC-96-0446-FOF-TL dated March 29,
24 1996.

25 And fourth, PSC-96-0446A-FOF-TL issued April

1 11, 1996, and I would note that the last order was
2 protested.

3 MR. KITCHINGS: Madam Chairman, also, on
4 behalf of BellSouth we'd like to withdraw our motion
5 for confidential treatment regarding the cost study
6 which was filed in this docket.

7 CHAIRMAN JOHNSON: That will be noted, and
8 for the record the Commission will take official
9 notice of its own orders.

10 MR. KITCHINGS: Thank you.

11 CHAIRMAN JOHNSON: Are there any other
12 preliminary matters? The witnesses are here? Are
13 they both here? If they could stand to be sworn.

14 (Witnesses collectively sworn.)

15 CHAIRMAN JOHNSON: The Prehearing Order
16 lists Gerry Screven as the first witness.

17 MR. HORTON: That is correct. We'd call
18 Mr. Screven.

19 CHAIRMAN JOHNSON: And let me understand for
20 clarification purposes, will the witness be providing
21 both direct and rebuttal at this time?

22 MR. HORTON: Yes, ma'am.

23

24

25

1 Page 3, Line 6, of the direct testimony,
2 should be a space between "not" and the letter "a".

3 Page 5, Line 4, last word should be
4 "format."

5 Page 7, Line 4, after "furthermore", add the
6 word "according."

7 MR. PELLEGRINI: Would you repeat that one,
8 please?

9 WITNESS SCREVEN: Page 7, Line 4, after the
10 word "furthermore", add the word "according".

11 And changes on the rebuttal testimony. On
12 Page 3, Line 5, "responsible" should be "responsive."

13 CHAIRMAN JOHNSON: That was Page 3.

14 WITNESS SCREVEN: Page 3 Line 15 of rebuttal
15 testimony.

16 CHAIRMAN JOHNSON: Responsible should be --

17 WITNESS SCREVEN: Change the word
18 "responsible" to the word "responsive."

19 Q (By Mr. Horton) Mr. Screven, with those
20 changes to your direct testimony, if I were to ask you
21 the questions contained in your direct testimony today
22 would your answers be the same?

23 A Yes, they would.

24 MR. HORTON: Madam Chairman, I'd ask that
25 Mr. Screven's direct testimony be inserted into the