

STATE OF FLORIDA

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Public Service Commission

March 22, 2001

VIA AIRBORNE EXPRESS

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW - TW-A325
Washington, DC 20554

Re: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128

Dear Ms. Salas:

Enclosed are an original and four copies of the Florida Public Service Commission Comments Urging the FCC to hold AT&T's Petition in abeyance in the above-stated docket.

Sincerely,

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

CBM:tf
Attachment

cc: Chief, Competitive Pricing Division, Common Carrier Bureau
International Transcription Services
Brad Ramsay, National Association of Regulatory Utility Commissioners

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Implementation of the Pay Telephone)	CC Docket No. 96-128
Reclassification and Compensation)	
Provisions of the Telecommunications)	CCB/CPD No. 01-05
Act of 1996)	

**FLORIDA PUBLIC SERVICE COMMISSION
COMMENTS URGING THE FCC TO HOLD AT&T PETITION IN ABEYANCE**

The Florida Public Service Commission (FPSC) submits these comments in response to the Public Notice Requesting Comments (DA 01-453) released on February 22, 2001. In this notice, the Federal Communications Commission (FCC) sought comments on AT&T's petition for declaratory ruling regarding payphone compensation rate caps. Specifically, AT&T has asked the FCC to issue a declaratory ruling on whether adding an additional surcharge to the FPSC's rate cap is authorized under Section 276 of the Telecommunications Act, and requests the FCC to preempt the State requirements under Section 276(c).

The Florida Public Service Commission hereby urges the Federal Communications Commission to hold AT&T's petition in abeyance until the Florida Public Service Commission has addressed the underlying matter raised in the AT&T petition. While the FPSC staff sent a letter to AT&T on January 5, 2001, stating that it appears AT&T is applying a payphone surcharge for intrastate 0+ and 0- calls made from a pay telephone or in a call aggregator context that exceed the rate caps established by FPSC Rule 25-24.630 and that staff believes the surcharges are not authorized, the FPSC as an entity wishes to take action on this matter. Pursuant to Florida law, our commission meets in a publicly noticed meeting to address an issue such as this. Thus, we have

taken no action yet on this matter. We urge the FCC to hold AT&T's petition in abeyance until we as an agency have the opportunity to explore this matter.

Our staff will bring a recommendation to our May 1 agenda. Under the current schedule, our action on staff's recommendation should be rendered within twenty days of that agenda conference. In the meantime, in a showing of comity, we urge that you defer action on AT&T's petition.

We commit to the FCC that we will review this issue in a timely manner. While the AT&T petition refers generally to this matter, their petition does specifically identify Florida as a key concern. We believe a short delay should not cause harm to AT&T, and will achieve a better result.

Accordingly, the FPSC requests that the FCC defer AT&T's petition until July 2, 2001, in order to provide the FPSC with the time to review this matter in a public forum, and take agency action on it.

Respectfully submitted,

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

DATED: March 22, 2001

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Comments of the Florida Public Service Commission will be sent this date to the parties on the attached service list.

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

DATED: March 22, 2001

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