

ORIGINAL

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

Date of Request: 10/28/02 Date of Agenda Conference: November 5, 2002 Item No. 37

Docket No.: 021062 Brief Title: Petition by BellSouth for determination of whether justification exists to implement ESCP tariff and for waiver of Rule 25-4.118, F.A.C.

Requested by: Staff Other BellSouth (Name)

Please attach a copy of the written documentation filed (if other)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request * *staff requests limited deferral*

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: Recommend deferral to 11/19/02 agenda
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

On October 28, 2002, BellSouth submitted a letter seeking deferral of Item 37. Therein, BellSouth notes that Supra has filed a Notice of Chapter 11 Bankruptcy. In response, BellSouth states that it has informed Supra that it will temporarily cease notification to Supra's customers of discontinuance of service. Therefore, BellSouth seeks indefinite deferral of Item 37, because they believe that the deferral will not be detrimental to either party.

Staff recommends that BellSouth's request for indefinite deferral be denied. Staff believes that the pending Motion for Reconsideration should be addressed in the near term in view of the relief provided in the order at issue. However, in view of the filing of the of the bankruptcy petition and BellSouth's response, staff believes that it would be beneficial to have additional time to review this item. Therefore, staff requests deferral of Item 37 to the Nov. 19 Agenda.

Signature (OPR Staff): SAS

Initials (OPR Division Director or Designee): [Signature]

Signature (Legal Staff): [Signature]

Initials (Legal Division Director or Designee): [Signature]

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request Deny Request

Initials: MAB

Date: 10/28/02

Comments:

AUS
CAF
CMP
COM
CTR
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GCL
OPC
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SEC
OTH

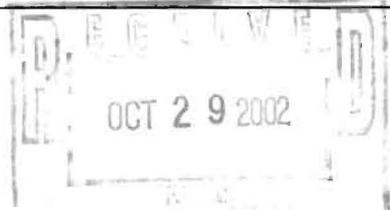
CHAIRMAN'S OFFICE:

Approve Request Deny Request

Initials: gc

Date: 10/29/02

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.



DOCUMENT NUMBER-DATE

11845 OCT 29 02

FPSC-COMMISSION CLERK

Blanca
SANDY
ROSE
RSC/EXD-1 (10/02)

BELLSOUTH

ORIGINAL

BellSouth Telecommunications, Inc.
Suite 400
150 South Monroe Street
Tallahassee, FL 32301-1556

marshall.criser@bellsouth.com

Marshall M. Criser III
Vice President
Regulatory & External Affairs

850 224 7798
Fax 850 224 5073

October 28, 2002

Mrs. Blanca S. Bayó
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

OCT 28 PM 4:47
COMMISSION
CLERK

Re: Docket 021062-TP Petition for determination as to whether sufficient justification exists to implement Emergency Service Continuity Plan tariff and, if so, for emergency waiver of Rule 25-4.118, F.A.C., by BellSouth Telecommunications, Inc.

Dear Mrs. Bayo:

With regard to the above referenced docket, I am writing to request that the Commission indefinitely defer consideration of items 37 and 38 from the November 5, 2002 agenda.

Subsequent to BellSouth's filing of its Emergency Petition on October 21, 2002, Supra Telecom, on October 23, 2002, filed for Chapter 11 bankruptcy. BellSouth advised Supra in writing on October 25, 2002 that it has temporarily ceased notification to Supra customers that their service will be discontinued after a 14-day period. BellSouth further stated, in that same correspondence, that upon direct inquiry by a Supra customer regarding whether service will be discontinued after a 14-day period, BellSouth representatives will state that the service to that customer will not be discontinued, unless circumstances change.

For the above reasons, I believe that indefinite deferral of these items yields the most efficient use of the Commission's schedule and provides no detriment to the parties involved.

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CMF _____
COM _____
CTR _____
EOR _____
GOL _____
GPC _____
WMC _____
SEC / _____
OTE _____

OCT 29 2002

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FPSC-BUREAU OF RECORDS

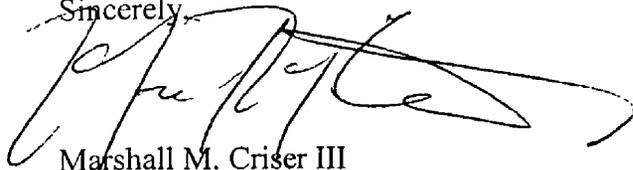
DOCUMENT # YEAR DATE

11817 OCT 28 02

FPSC-COMMISSION CLERK

Should you have any questions please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall M. Criser III". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Marshall M. Criser III
Vice President – Regulatory Relations

Cc: Commissioner Palecki
Commissioner Baez
Commissioner Bradley
Dr. Mary Bane
Walter D'Haeseleer
Beth Keating
Brian Chaiken
Nancy White

021070



ORIGINAL

BellSouth Telecommunications, Inc.
Regulatory Relations
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

Nancy H. Sims
Director

850 222 1201
FAX 850 222 8640

nancy.sims@bellsouth.com

October 28, 2002

RECEIVED
COMMISSION
CLERK
OCT 28 PM 4:47
SC

Mrs. Blanca S. Bayo
Director, Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Transition of Supra's customers' telephone service

Dear Ms. Bayo:

As a follow up to BellSouth's October 22, 2002 letter regarding the Service Emergency due to the Transition of Supra's customers' telephone service, this letter notifies the Commission that Bellsouth has reinstated its Service Settlement Plan on Monday October 28, 2002. Pursuant to Order No. PSC-02-1454-PCO-TL, issued October 21, 2002, BellSouth began implementation of the customer notice provisions in Bellsouth's tariff. However, subsequent to BellSouth's filing of its Emergency Petition on October 21, 2002, Supra Telecom filed for Chapter 11 bankruptcy on October 23, 2002. BellSouth has delayed the implementation of its Service Continuity Plan tariff until further notice.

In BellSouth's letter of October 22, 2002, BellSouth also requested the Commission grant a waiver of Commission Rule 25-4.073 (1)(d) due to the extremely high volume of calls associated with this matter. While BellSouth has delayed the implementation of its Service Continuity Plan, BellSouth continues to request the answer time rule waiver due to the higher than normal call volumes BellSouth is experiencing in its business offices. Additionally, BellSouth continues to inform customers that they may experience a delay in business office answer times.

- AUS. _____
- CAF. _____
- DMP. _____
- COM. _____
- CTB. _____
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- MMS. _____
- SEC. _____
- OTF. _____

RECEIVED & FILED

RLM

FPSC-BUREAU OF RECORDS

OCT 29 2002

DOCUMENT NUMBER DATE

11819 OCT 28 02

FPSC-COMMISSION CLERK

Should you have any questions concerning this matter, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy H. Simon /mas".

Director – Regulatory Relations

Cc:

Lila A. Jaber, Chairman
J. Terry Deason
Braulio L. Baez
Michael A. Palecki
Rudolph Bradley
Walter D'Haeseleer
Harold McLean
Beverlee DeMello
Jack Shreve
Charles Beck
Scott Mulcahy
Wayne Tubaug