

M E M O R A N D U M

February 28, 2001

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *W*

RE: DOCKET NO. 000028-TL PETITION BY BELL SOUTH TELECOMMUNICATIONS, INC. FOR WAIVER OF RULES 25-4.107, 25-4.108, AND 25-4.113, F.A.C., WHICH REQUIRE PROVISION OF BASIC TELECOMMUNICATIONS SERVICE TO CERTAIN LOCATIONS AND PERSONS.

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Attached are the original and 7 copies of Staff's Prehearing Statement to be filed in the above-referenced docket.

TV/dm

Attachment

cc: Division of Competitive Services (Watts)

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DOCUMENT NUMBER-DATE

02725 FEB 28 01

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108, and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons.

DOCKET NO. 000028-TL

FILED: February 28, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-2406-PCO-TP, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE A: [LEGAL ISSUE] What is the Commission's jurisdiction in this matter?

Position: Section 120.542, Florida Statutes, authorizes the Commission to grant variances and waivers to requirements of its rules.

ISSUE 1: In the event that BellSouth is granted a waiver of Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, as set forth in its petition, will the purpose of the underlying statutes be achieved by other means?

DOCUMENT NUMBER-DATE

02725 FEB 28 01

FLORIDA PUBLIC SERVICE COMMISSION REPORTING

Position: Staff takes no position at this time.

ISSUE 2: Does the application of Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, as set forth in BellSouth's petition, create a substantial hardship for BellSouth or violate principles of fairness?

Position: Staff takes no position at this time.

ISSUE 3: Should BellSouth be granted a waiver of Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, as set forth in its petition?

Position: Staff takes no position at this time.

e. Pending Motions

None.


f. Pending Confidentiality Claims or Requests

None.

g. Compliance with Order No. PSC-00-2406-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 28th day of February, 2001.



TIM VACCARO  
Staff Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108, and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons.

DOCKET NO. 000028-TL

FILED: February 28, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Prehearing Statement was furnished to **Ms. Nancy H. Sims**, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301-1556, **Mr. James Meza III**, BellSouth Telecommunications, Inc., 150 West Flagler Street, Suite 1910, Miami, Florida 33130, **Mr. Anthony Parks**, P. O. Box 812283, Boca Raton, Florida 33481, by U.S. Mail, on this 28th day of February, 2001.



TIM VACCARO, SENIOR ATTORNEY

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