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**From:** Teri.Harless@mail.sprint.com  
**Sent:** Friday, July 13, 2001 10:31 AM  
**To:** Filings@PSC.State.FL.US  
**Cc:** susan.masterton@mail.sprint.com  
**Subject:** Correction to July 12, Filing Docket No. 010962-TL

ORIGINAL

**Importance:** High



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71201 Sprint's Petition to Rev...

Date: July 13, 2001

Sprint

Teresa K. (Teri) Harless

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Docket Number: 010962-TL

Docket Title:

In re: Petition of Sprint Communications Company Limited Partnership to review and cancel

BellSouth's Tariff regarding access Charges for intrastate toll calls.

THIS IS A CORRECTION TO THE ELECTRONIC FILING SENT ON JULY 12, 2001. THE CORRECTION SEPARATES THE REQUEST FOR QUALIFIED REPRESENTATIVE AND SPRINT'S PETITION TO REVIEW AND CANCEL BELLSOUTH'S TARIFF.

Document Description: 1. Request for Qualified Representative

Number of Pages: 3

Document Description: 2. Sprint's Petition to Review and Cancel BellSouth's Tariff

Number of Pages: 9

"BY FILING ELECTRONICALLY, THE PARTY ACCEPTS THAT THE OFFICIAL COPY IS THE VERSION PRINTED BY THE PUBLIC SERVICE COMMISSION'S DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES AND FILED IN THE OFFICIAL FILE."

*Qualified Rep.*  
DOCUMENT NUMBER-DATE

08566 JUL 13 01

FPSC-RECORDS/REPORTING

*Petition*  
DOCUMENT NUMBER-DATE

08567 JUL 13 01

FPSC-RECORDS/REPORTING

ORIGINAL



Susan S. Masterton  
Attorney

Law/External Affairs  
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susan.masterton@mail.sprint.com

July 12, 2001

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk &  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

010962-TP

Re: Sprint's Petition to Review and Cancel BellSouth's Tariff

Dear Ms. Bayó:

Enclosed for filing is the electronic copy of Sprint's Petition to Review and Cancel BellSouth's Tariff. Copies have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by electronic confirmation of receipt of this letter and returning the same to this writer.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE

08567 JUL 13 2001

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications )  
Company Limited Partnership to review )  
And cancel BellSouth Telecommunications, )  
Inc.'s Tariff regarding access charges )  
For intrastate toll calls )

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DOCKET NO. 010962-TP  
FILED: July 12, 2001

PETITION

Comes now Sprint Communications Company Limited Partnership ("Sprint"), pursuant to Rule 28-106.201, Florida Administrative Code ("F.A.C."), and hereby files this Petition against BellSouth Telecommunications, Inc. ("BellSouth").

The Parties

1. Sprint, a Delaware limited partnership, is authorized by the Florida Public Service Commission ("Commission") to provide interexchange and alternative local exchange telecommunications services in the State of Florida. Sprint's business address is:

Sprint Communications Company Limited Partnership  
8140 Ward Parkway  
Kansas City, MO 64114

Sprint's representatives' name, address and telephone number are:

Benjamin W. Fincher, Esquire  
Sprint MailStop GAATLN0802  
3 100 Cumberland Circle  
Atlanta, GA 30339  
404-649-5 145 (Telephone)  
404-649-5 174 (FAX)  
ben.fincher@mail.sprint.com

DOCUMENT NUMBER-DATE

08567 JUL 13 01

FPSC-RECORDS/REPORTING

and

Susan S. Maaterton, Esquire  
13 13 Blairstone Road  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
850-599-1560 (Telephone)  
850-878-0777 (FAX)  
susan.masterton@mail.sprint.com

2. **BellSouth** is a Georgia corporation authorized by the Commission to provide local exchange and **intraLATA** interexchange telecommunications services in the State of Florida. **BellSouth's** business address is:

**BellSouth** Telecommunications, Inc.  
150 South Monroe Street, Room 400  
Tallahassee, Florida 32301

#### Commission Jurisdiction

3. The Commission has statutory powers and jurisdiction over, and in relation to, telecommunications companies. This includes jurisdiction over **BellSouth**, the respondent in this Complaint.<sup>1</sup>

4. *The Commission has exclusive jurisdiction in all matters set forth in Chapter 364, Florida Statutes, in regulating telecommunications companies, in order to ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.*<sup>2</sup>

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<sup>1</sup> Sec. 364.01, F.S.

<sup>2</sup> Sec. 364.01(4)(g), F.S.

## Claims of Sprint

5. BellSouth, on June 14, 2001, filed with the Commission its File Code 680.3400, File Package No. FL2001-079, reflecting revisions to its tariff language regarding BellSouth receipt of insufficient call detail to determine the jurisdiction of the call, attached hereto as Attachment A. The specific tariff provisions involved in the tariff filing are BellSouth's Access Tariff Section E2.3.14 Jurisdictional Report Requirements, Fourth Revised-Page10. The scheduled effective date of this tariff filing was indicated to be June 25, 2001.

6. The effect of this tariff revision is to give BellSouth the ability to charge higher intrastate (as compared to interstate) terminating switched access charges on those calls that do not include the Calling Party Number ("CPN"). This would include, in addition to legitimate intrastate calls, calls that are local, interstate and international in nature.

7. There are numerous local, interstate and international calls that do not, and are not required to, carry the CPN.<sup>3</sup> BellSouth has disregarded the fact that all calls will not carry the CPN and seeks, through this tariff revision, to charge the higher intrastate terminating switched access rate on all calls without the CPN, regardless of the jurisdiction of the call.

8. Further, BellSouth has no made no provision in its tariff revision for the interexchange carrier to demonstrate that certain calls without CPN were, in fact, local, interstate or international calls, and were not intrastate calls and not subject to the higher intrastate terminating switched access rates.

9. Sprint, as a purchaser of access from BellSouth in its provisioning of interexchange carrier telecommunications services in Florida, is directly and adversely impacted by this tariff publication. Sprint will be forced to pay higher intrastate

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<sup>3</sup> 47 CFR 64.1601(d)(1), (2),(3) & (4).

terminating switched access rates on local, interstate and international calls when CPN is not shown.

10. BellSouth's tariff filing constitutes anticompetitive behavior in violation of Section 364.01(4)(g), Florida Statutes.

11. BellSouth's tariff filing constitutes a violation of Section 364.08, Florida Statutes, which prohibits charging rates for services rendered other than the charge applicable to such service, as specified in its schedule on file and in effect at that time.


#### Prayer for Relief

Wherefore, based on the foregoing, Sprint respectfully requests the Commission to:

- (1) Assert jurisdiction over this Complaint.
- (2) Immediately institute a proceeding to consider the validity of BellSouth's tariff filing here involved.
- (3) Issue an order finding that BellSouth's tariff filing is unlawful and order BellSouth to cancel the tariff provisions here involved.
- (4) Impose such further relief as the Commission deems just and appropriate.

Respectfully submitted this 12<sup>th</sup> day of July, 2001

SPRINT COMMUNICATIONS COMPANY LIMITED  
PARTNERSHIP



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Benjamin W. Fincher  
Sprint MailStop GAATLN0802  
3 100 Cumberland Circle  
Atlanta, GA 30339  
404-649-5 145 (Telephone)  
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and

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ATTORNEYS FOR SPRINT

TARIFF DISTRIBUTION

FILE CODE: 680.3400 FILE PACKAGENO.: FL2001-079  
DATE: June 26, 2001  
STATE: FLORIDA  
EFFECTIVE DATE: 06/25/2001  
TYPE OF DISTRIBUTION: Approved  
PURPOSE: Revise tariff language regarding when the Telephone Company receives insufficient call detail to determine the jurisdiction of the call.

<u>TARIFF SECTION</u>	<u>PAGE NUMBER</u>	<u>PAGE REVISION</u>
E002	10	04



BELLSOUTH  
TELECOMMUNICATIONS, INC.

## ACCESS SERVICES TARIFF

Fourth Revised Page 10  
Cancels Third Revised Page 10

FLORIDA  
ISSUED: June 8, 2001  
BY: Joseph P. Lacher, President -FL  
Miami, Florida

EFFECTIVE: June 25, 2001

## E2. GENERAL REGULATIONS

## E2.3 Obligations of the IC (Cont'd)

## E2.3.14 Jurisdictional Report Requirements' (Cont'd)

## A. Jurisdictional Reports (Cont'd)

## 1. Percent Interstate Usage (PIU) (Cont'd)

## a. (Cont'd)

Where the Company receives insufficient call detail to identify the calling station to determine the jurisdiction, the Company will charge the applicable rates for terminating BellSouth SWA as set forth in this Tariff. For the purpose of this tariff, where the customer is a third-party provider of CCS7 services to its customer ("Third Party Customers"), the customer will develop its project.4 PIU factor based upon a weighted average of the PIU's of its Third Party Customers' end user traffic in accordance with the procedures described below. In the event a Third Party Customer does not provide a projected PIU, a 50 percent PIU will be utilized for that Third Party Customer. (C)

The IC will provide in its initial order the projected Percent Interstate Usage (PIU) at a statewide level on a local exchange company specific basis. When the IC and/or End User computes the PIU, it will subtract the developed percentage from 100 and the difference is the percent intrastate usage. The sum of the interstate and intrastate percentage will equal 100 percent. A PIU of less than 100 percent is not allowed where the service is not available as an intrastate access service. The projected PIU may include up to two decimals.

The intrastate usage is to be developed as though every call that originates from a calling location (as designated by the calling station number) within the same state as that in which the called station (as designated by the called station number) is situated is an intrastate communication and every call for which the point of origination (as designated by the calling station number) is in a state other than that where the called station (as designated by the called station number) is situated is an interstate communication. The manner in which the call is routed through the telecommunications network does not affect the jurisdiction of a call, i.e., a call between two points within the same state is an intrastate communication even if the call is routed through another state.

The Company will designate the number obtained by subtracting the intrastate percentage furnished by the IC from 100 (100 - customer percentage = interstate percentage) as the projected interstate percentage of use.

b. When an IC initially orders service(s), as defined in the following, the IC will state in its order the Percent Interstate Usage (PIU) separately for each, as set forth in a. preceding.

- BellSouth SWA FGA
- BellSouth SWA FGB
- BellSouth SWA FGD
- BellSouth SW 500 Service
- 700 Service
- BellSouth SWA 8XX Toll Free Dialing Ten Digit Screening Service
- BellSouth SWA 900 Service
- BellSouth CCS7 Access Arrangement
- Switched Local Channel
- BellSouth SWA Dedicated Interoffice Channel
- Channelization Equipment
- DNALs associated with BellSouth SWA LSBSA<sup>2</sup>
- BellSouth Billing Name and Address
- BellSouth Inward Operator Service

Note 1: Except where indicated herein, references to BellSouth SWA FGs will also include the applicable BellSouth SWA Basic Serving Arrangement as detailed in the matrix in E6.1.3.A. (e.g., the term BellSouth SWA FGA represents both BellSouth SWA FGA and BellSouth SWA LSBSA).

Note 2: Where BellSouth SWA LSBSA is provisioned with a DNAL, the DNAL rates should be apportioned between interstate and intrastate using the same PIU factor as applied to the associated BellSouth SWA LSBSA.

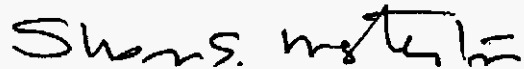
**CERTIFICATE OF SERVICE**

**Docket No.** \_\_\_\_\_

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail this 12th day of July, 2001 to the following:

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 400  
Tallahassee, Florida 32301-1 556

Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850



Susan S. Masterton

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