

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

August 6, 2001

Mr. Carroll Webb
Joint Administrative Procedures
Committee
Room 120 Holland Building
Tallahassee, Florida 32399-1300

Re: PSC Docket No. 010988-TL

Dear Mr. Webb:

The Commission has received a Petition for Declaratory Statement from BellSouth Telecommunications, Inc. on July 20, 2001. A copy of the petition is enclosed. A notice will be published in the Florida Administrative Weekly on Friday, August 17, 2001.

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Bellak".

Richard C. Bellak
Associate General Counsel

cc: Division of the Commission Clerk
and Administrative Services

Enclosure

DOCUMENT NUMBER DATE
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before) Docket No.:
the Florida Public Service Commission by)
BellSouth Telecommunications, Inc.)
regarding disclosure of certain ALEC 911)
information)
_____) Filed: July 20, 2001

PETITION FOR DECLARATORY STATEMENT

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-105.001, Florida Administrative Code, respectfully requests that the Florida Public Service Commission ("Commission") determine whether (1) Section 364.24, Florida Statutes, prohibits BellSouth from providing to Florida counties the identity of each resale Alternative Local Exchange Company ("ALEC") that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC's payments; and (2) Order No. PSC-99-1992-PAA-TP, issued October 12, 1999 ("*911 Order*"), and its ruling that certain 911 information is not confidential is applicable to the identity of each resale ALEC that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC's payment. In support of this Petition, BellSouth states the following:

1. Section 365.171(13)(a), Florida Statutes, provides that a "county may impose a '911' fee to be paid by the local exchange subscribers within its boundaries served by the '911' service." § 365.171(13)(a). Subsection (1) of this provision requires telephone companies, insofar as practicable, to bill the 911 fee to its customers on an individual access line basis, at a rate not to exceed 50 cents per month per line. § 365.171(13)(a)(1).

2. In the 911 Order, the Commission determined that ALECs are responsible for collecting and remitting the 911 fee to the individual counties pursuant to Section 365.171. 911 Order at 2. As found by the Commission, "[e]ach county relies on the funds collected from local telephone subscribers in order to operate and maintain its 911 system." Id. at 2. The Commission determined, however, that ALECs were not prohibited from entering into a billing arrangement with a willing LEC to bill and collect the fees. Id. at 3.

3. The Commission also ordered in the 911 Order that each ALEC provide the appropriate 911 county coordinator, on a quarterly basis, "a list of all counties in which they operate, the number of access lines by county that are relevant in the calculation of the 911 fees, and the name of a contact person available 24 hours a day, 7 days a week." 911 Order at 3. Additionally, the Commission ordered all ALECs to provide counties with the most accurate customer account information (name, address, telephone number) because the "integrity of the 911 database relies on accurate customer information" Id. at 3.

4. For resale ALECs, BellSouth collects this 911 fee from the ALECs and remits the fee to each respective county for both BellSouth and the resale ALECs. The amount BellSouth submits to each county is a bulk amount that includes all fees generated by BellSouth's and the resale ALECs' end users. BellSouth does not separately identify the resale ALECs that it is remitting payment on behalf of or the amount of each resale ALEC's payment.

5. In a conversation with officials for a county in Florida, BellSouth understands that this county is requesting that BellSouth identify (1) each resale ALEC

that BellSouth is remitting payment for; and (2) the amount of each resale ALEC's payment. BellSouth understands that the county needs this information to ascertain the identity of the resale ALECs that BellSouth is remitting payment on behalf of and to determine whether each of these ALECs are paying the appropriate fee to the county pursuant to Section 365.17 1.

6. BellSouth is hesitant to provide this information without Commission approval. BellSouth believes that Section 364.24(2) may prohibit the disclosure of such information because it constitutes customer account records. Section 364.24(2) provides that a telecommunications company shall not "intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order, other process of court, or as otherwise allowed by law." § 364.24(2). Accordingly, BellSouth seeks a determination from this Commission as to whether Section 364.24(2), Florida Statutes, prohibits the disclosure of (1) the identity of each ALEC that BellSouth is remitting payment of the 911 fee on behalf of; and (2) the amount of each ALEC's payment.

7. Additionally, BellSouth is concerned that certain provisions in its interconnection agreements with the resale ALECs may prohibit the disclosure of such information because it may constitute confidential information. In the 911 Order, the Commission summarily dismissed the ALECs' concerns about the confidentiality of the access line count information. The Commission determined that such information was not confidential because "the 911 fees currently remitted are derived directly from access line information." 911 Order at 4. In reaching this conclusion, the Commission determined that "it is imperative for the 911 county coordinators to have accurate line

count information from the ALECs in order to determine if the appropriate 911 fees are being remitted.” Id.

8. Because the 911 Order only specifically addressed the nonconfidential nature of the number of each ALEC’s access lines and not the specific information now being sought by a Florida county, BellSouth requests that the Commission determine whether the reasoning and holding in the ~~811~~ Order regarding the nonconfidential nature of certain 911 information applies to the information described above.

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission interpret Section 364.24(2), Florida Statutes and Order No. PSC-99-1992-PAA-TP and determine whether (1) Section 364.24, Florida Statutes, prohibits BellSouth from providing to Florida counties the identity of each resale ALEC that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC’s payment; and (2) Order No. PSC-99-1992-PAA-TP and its ruling that certain 911 information is not confidential is applicable to the identity of each resale ALEC that BellSouth remits 911 fees on behalf of and the amount of each resale ALEC’s payment.

Respectfully submitted this 20th day of July, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE

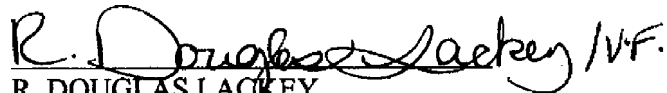
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