

Meredith E. Mays
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June 11, 2003

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

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**Re: Docket No.: 030176-TP
Complaint of Davel Communications Inc. Against BellSouth
Telecommunications, Inc. and Invocation of the Protections Afforded
by Rule 25-22.032(6), F.A.C., During Pendency of Complaint Process**

Dear Ms. Bayó:

On May 16, 2003, Lin Harvey with Davel Communications, Inc. filed with this Commission a letter concerning an alleged "illegal attempt by BellSouth to use the State of Florida as its vehicle to resolve a contractual dispute." The second paragraph of the letter requested that this Commission "review [its] complaint."

BellSouth respectfully requests that the Commission decline from reviewing or considering any issues related to Davel's letter. Specifically, the dispute underlying Davel's letter arose from services provided by BellSouth under a Master Services Agreement ("MSA"). The MSA contains a mandatory dispute resolution section that directs the parties to resolve all disputes arising from the MSA through a commercial arbitration proceeding. BellSouth has invoked the dispute resolution language contained in the MSA. As a result of the binding arbitration language contained in the MSA, this Commission lacks jurisdiction to consider Davel's letter.

Davel's letter also requests the Commission "issue an order" requiring the return of a deposit Davel has made to BellSouth. This request conflicts with statements made by Davel in its complaint in this docket in which Davel indicated it was prepared to submit an additional sum to BellSouth upon direction from the Commission or Commission staff. (See Davel's Complaint, paragraph 10). Nonetheless, BellSouth has communicated with Davel's counsel concerning its willingness to discuss the deposit issue to reach a mutually agreeable resolution, both in Florida and regionwide. BellSouth has recently received information from Davel's counsel concerning the deposit issue, which information BellSouth is in the process of reviewing. Because this docket has already been established, no further action by the Commission in connection with the deposit request contained in Davel's May 16, 2003 letter is necessary.

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June 11, 2003
Page 2

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Meredith Mays". The signature is written in a cursive, flowing style.

Meredith Mays *(KAD)*

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

493690

**CERTIFICATE OF SERVICE
DOCKET NO. 030176-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and U.S. Mail this 11th day of June, 2003 to the following:

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