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September 5, 2003

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

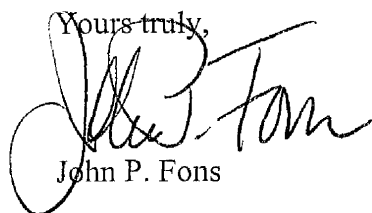
Re: Docket No. 030868-TL

Dear Ms. Bayo:

Enclosed for filing in the above matter are the original and fifteen (15) copies of Sprint-Florida, Inc.'s Response to Citizens' Motion to Hold, and to Expedite the Scheduling of, Public Hearings.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Yours truly,

John P. Fons

Enclosures

cc: Certificate of Service List

DOCUMENT NUMBER-DATE

08326 SEP-5 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: SPRINT-FLORIDA, INCORPORATED'S
PETITION TO REDUCE INTRASTATE
SWITCHED NETWORK ACCESS RATES TO
INTERSTATE PARITY IN A REVENUE
NEUTRAL MANNER PURSUANT TO
SECTION 364.164(1), FLORIDA STATUTES

DOCKET NO. 030868-TL
FILED: September 5, 2003

**SPRINT-FLORIDA, INC.'S RESPONSE TO CITIZENS' MOTION TO
HOLD, AND TO EXPEDITE THE SCHEDULING OF, PUBLIC HEARINGS**

Sprint-Florida, Inc. ("Sprint"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby responds to Citizens of Florida's ("Citizens") Motion to Hold, and to Expedite the Scheduling of, Public Hearings ("Motion"), stating as follows:

1. On August 28, 2003, Citizens, in response to Sprint's Petition to reduce intrastate switched network access rates to interstate parity in a revenue neutral manner pursuant to Section 364.164(1), Florida Statutes, ("Petition"), filed a series of motions, including the instant Motion.¹ In this Motion, Citizens allege that Section 120.57(1)(b), Florida Statutes, grants the Florida Public Service Commission ("Commission") the discretion to convene customer hearings where appropriate. (Motion at ¶ 5). The precise language of the statute relied upon by Citizens is that:

When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut the material.

§ 120.57(1)(b), Fla. Stat. (Emphasis added)

¹ On September 2, 2003, Interim Public Counsel, on behalf of Citizens, orally withdrew the other motions; namely, Citizens' Motion Seeking Commission to Order Case Management Conference, and Citizens' Motion to Expedite Discovery Process.

2. Sprint has no objection - and indeed supports - the concept of public hearings. However, Sprint believes that there are a number of factors and issues which must be resolved by the Commission before agreeing to Citizens' request in order that the public hearings comport with the requirements of Section 120.57(1)(b), Florida Statutes, as well as the requirements of Section 364.164, Florida Statutes. To that end, Sprint offers the following observations and recommendations for the Commission's consideration:

a. Citizens have requested four (4) public hearings in Sprint's service areas; namely, Fort Walton, Tallahassee, Ocala and Fort Myers. Motion at ¶ 10. Sprint understands that Citizens have requested nine (9) other public hearings in the BellSouth and Verizon Florida service areas, for a total of thirteen (13) public hearings. This would be an aggressive schedule even where there is no 90-day time limitation. Motion at ¶ 18. It would be more efficient and manageable, for purposes of holding public hearings within the 90-day time limit, to divide the state into five geographic areas: northwest, northeast, central, southwest and southeast Florida; and for there to be one public hearing in each geographic area. Consolidating the public hearings in this manner is consistent with consolidating the Commission's formal hearings. Because Sprint's service areas are included in four of the five geographic areas (northwest, northeast, central and southwest Florida), Sprint customers will still have four public hearings available to them. Sprint would recommend that the five (5) public hearings be held in Panama City, Jacksonville, Orlando, Tampa and the Miami area.

b. Citizens' Motion correctly notes that the subject matter of these public hearings is Sprint's Petition, which includes addressing each of the factors the Commission is to consider in granting or denying Sprint's Petition. Motion at ¶ 4. The focus of the public hearings should not be limited solely to whether granting Sprint's Petition will result in basic local service rate

increases. The other aspects and issues of the Petition must be given equal importance in any notice of public hearing or in any handouts to the public at the public hearings. Additionally, at the public hearings, the speakers must be sworn and should be counseled to address those issues the Legislature has determined are to be considered by the Commission in this proceeding.

c. It is essential that at least one Commissioner attend each of the public hearings - regardless of the number of public hearings. Without the presence of a Commissioner, the public hearings could devolve into nothing more than a media event. Only someone with the stature that a Commissioner would bring to the public hearings can assure that decorum and focus will be maintained. Moreover, having a Commissioner present to swear-in the speakers will impress upon the speakers the need for truthfulness and brevity, and will help prevent appearances by sham customers at multiple locations.

d. As noted previously, the focus of the public hearings should not be limited just to the issue of rate increases. The public hearings must put the issue of rate increases in the proper context, including why such increases are necessary to remove interservice cross-subsidies to create a more competitive marketplace for the benefit of residential consumers. It is essential, therefore, that any notice of the public hearings must cover each of the factors to be considered by the Commission. Moreover, notice of the public hearings should be limited to placing a notice in a newspaper of general circulation in each of the locales identified in Citizens' Motion. Because of the restricted timeframe to hold public hearings, direct mailings to each customer served by Sprint-Florida will be less efficient, substantially more expensive (approximately \$1 million), and will be unlikely to reach the customer prior to the scheduled public hearing.

e. Even though Sprint-Florida supports the concept of public hearings, Sprint-Florida cannot agree to stipulate the admission of comments made by consumers at the public

hearings into the record. It is within the Commission's discretion as to whether it will even consider, in whole or in part, the comments provided at the public hearings. *See* Section 120.57(1)(b), Fla. Stat. Section 364.164(1), Florida Statutes, lists each of the factors to be considered by the Commission in assessing whether to grant Sprint's Petition, but comments made at public hearings is not listed as one of the factors which must be considered by the Commission in this proceeding. In any event, Sprint-Florida reserves its rights under Section 120.57(1)(b) to "challenge or rebut" the public comments as necessary.

WHEREFORE, Sprint-Florida requests that the Commission order public hearings in a manner that conforms with the foregoing observations and recommendations.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail, e-mail or hand delivery (*) this 5th day of September, 2003, to the following:

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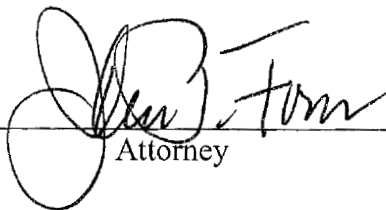
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