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November 7, 2003

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

Re: Docket No. 000121A-TP (OSS)

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth's Motion to Modify Order, which we ask that you file in the captioned docket.

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,


J. Phillip Carver (CO)

Enclosures

cc: All parties of record
Marshall M. Criser, III
Nancy B. White
R. Douglas Lackey

DOCUMENT NUMBER-DATE

11162 NOV-7 8

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
Docket No. 000121A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

First Class U. S. Mail this 7th day of November, 2003 to the following:

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**(+) Signed Protective
Agreement**

#237366

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into the)	
establishment of operations)	
support systems permanent)	Docket No. 000121A-TP
incumbent local exchange)	
Telecommunications companies)	
<hr/>		Filed: November 7, 2003

BELLSOUTH'S MOTION TO MODIFY ORDER

BellSouth Telecommunications, Inc. ("BellSouth"), hereby respectfully files this Motion to modify an implementation deadline set forth in Commission Order No. PSC-03-0529-PAA-TP, and states in support thereof, the following:

1. On April 22, 2003, the Commission entered the *Notice of Proposed Agency Action Order Implementing Proposed Revisions To The Performance Assessment Plan* (Order No. PSC-03-0529-PAA-TP) ("Notice"). The provisions of the Notice were made final by a *Consummating Order*, entered by the Commission on May 15, 2003 (Order No. PSC-03-0603-CO-TP). In the Notice, the Commission ruled that BellSouth shall implement a penalty for Measurement B-10, Percent Billing Errors Corrected in X Days. The Notice further provided that "in order to set an appropriate penalty provision, the implementation of the penalty will be deferred until the conclusion of our proceeding on this remedy structure of the SEEM Plan, or 120 days, whichever comes first." (Notice, p. 14). BellSouth requests that the Commission delete the 120 day requirement, so that the penalty for this measure will be implemented at the conclusion of the proceeding on the remedy structure.

2. In general, the changes to the Performance Assessment Plan arising from the Notice and Consummating Order were implemented on July 1, 2003. The proceeding on the

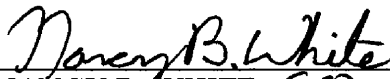
remedy structure of the SEEM plan is currently ongoing, and no date has been set for its conclusion. Thus, the 120 requirement would apply to set the time for implementing the subject penalty. Calculating the 120 day period from the July 1, 2003 date would mean that commencement of this penalty would be due on October 28, 2003. Since changes to the plan must occur on the first day of a month, this would mean that the 120 day requirement would apply to require the imposition of this penalty beginning with the measurement results for November 2003. Accordingly, any penalties relating to this measurement would be due on January 15, 2004.

3. Again, the Notice provides that the penalty should be implemented in either 120 days or when the remedy plan is set. However, it is not possible to implement the penalty until the SEEM remedy plan is completed. One of the issues in the ongoing review of the SEEM Plan is the fee schedule, which sets forth the amount of each penalty. The determination of the fee schedule will, of course, dictate the amount of the penalty that will apply to this measure. Before the amount of this particular penalty is set, it is obviously not possible to apply the penalty. BellSouth anticipates that it can implement this and other penalties in a reasonable amount of time after the structure of the SEEM Plan is finalized in the ongoing portion of the periodic review. However, prior to this time, as stated previously, it is not possible to do so.


4. For this reason, BellSouth requests that the Commission modify the Notice to remove the 120 day requirement. This would have the result of keeping in place the requirement that BellSouth implement the penalty for measurement B-10 upon the conclusion of the remedy structure proceeding. BellSouth would anticipate that the timeframe for implementing this penalty would be the same as for implementing all other changes to the SEEM Plan that ultimately result from the current periodic review.

WHEREFORE, BellSouth respectfully requests the entry of an Order removing from the above-described Notice the 120 day implementation requirement for the penalty for measurement B-10. This removal will have the effect of requiring BellSouth to implement the penalty for measurement B-10 after the conclusion of the remedy structure portion of the ongoing periodic review.

Respectfully submitted this 7th day of November, 2003.



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