

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 030889-TP Date Docketed: 09/08/2003 Title: Complaints of Terranova.net against BellSouth Telecommunications, Inc., alleging predatory pricing and switching Internet service provider's service without authorization.
 Company: BellSouth Telecommunications, Inc.
 Terranova.net

Official Filing Date: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("C" indicates OPR)

Expiration: _____

AUS	CAF	CCA	CMP	ECR	EXT	(GCL)	MMS	PIF
			X			X		

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A9; B6

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
 Staff Counsel _____

0 Current CASR revision level

Due Dates
 Previous Current

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	DOCUMENT NO.

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: _____

14660-03

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 030889-TP Date Docketed: 09/08/2003 Title: Complaints of Terranova.net against BellSouth Telecommunications, Inc., alleging predatory pricing and switching Internet service provider's service without authorization.

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 ("C" indicates OPR)

AUS	CAF	CCA	CMP	ECR	EXT	(GCL)	MMS	PIF
	X		X			X		

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff L Fordham

Staff Counsel L Fordham

OCRs (CAF) L Raspberry
 (CMP) R Moses

	0	Current CASR revision level	Due Dates	
			Previous	Current
1. Staff Recommendation			NONE	09/18/2003
2. Agenda			NONE	09/30/2003
3. PAA Order - Close if No Protest			NONE	10/20/2003
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 09/16/2003

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	JB	DS	BZ	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 09/16/2003

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL
HAROLD A. MCLEAN
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

September 19, 2003

RECEIVED - FPSC
03 SEP 19 PM 3:36
COMMISSION
CLERK

Mr. William Mikalson
Terranova.net
P.O. Box 3031
Key Largo, FL 33037

Re: Docket No. 030889-TP - Complaints of Terranova.net against BellSouth alleging predatory pricing and switching ISP service without authorization.

Dear Mr. Mikalson:

Enclosed is a copy of the Staff Recommendation filed in this matter on September 18, 2003. The Commission is expected to consider this Recommendation at its September 30, 2003, Agenda Conference which will beheld in Room 148, Betty Easley Conference Center, in Tallahassee beginning at 9:30 a.m.

If you wish to attend, please arrive promptly at the beginning of the Agenda Conference, as we cannot state the exact time at which this item will be heard. If you have any questions, please contact me at (850) 413-6199.

Sincerely,

Lee Fordham
Senior Attorney

LF/js
Enclosure

DOCUMENT NO.
141060-03

LILA A. JABER
CHAIRMAN

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6044

030889

Public Service Commission

July 10, 2003

The Honorable Ken Sorenson
Florida House of Representatives
Post Office Box 699
90311 Overseas Highway, Suite A
Tavernier, FL 33070-0699

Dear Representative Sorenson:

I appreciate your talking with me about your constituent, Travis Mikalson, with TerraNovaNet, and want to assure you that we will provide you with information regarding Mr. Mikalson's concerns.

Representatives from our Consumer Affairs Division called Mr. Mikalson on July 9. He indicated that he would provide recent specific documentation about one of his internet service clients that he believed was switched to an alternative DSL provider without the client's authorization or request. We have also sent him a letter requesting that this documentation be sent to the Public Service Commission by July 25. Upon receipt of Mr. Mikalson's documentation, confirmation from his clients of the unauthorized switch in their DSL service, and the completion of our investigation, we will advise your office of the results.

As we briefly discussed, DSL is not a regulated service at the state level since it is not a telecommunications service, so the Public Service Commission has no applicable rules and regulations to address Mr. Mikalson's primary concerns about predatory pricing and the competitive nature of DSL service with respect to BellSouth. It is possible that Mr. Mikalson may choose to pursue other underlying broadband alternatives to serve TerraNovaNet's clients.

Thank you again for your interest in this matter, and if you have any further questions, please call me at 850/413-6044.

Sincerely,

A handwritten signature in black ink, appearing to read "Lila A. Jaber".

Lila A. Jaber
Chairman

LAJ:bsd/jmb

State of Florida



ORIGINAL

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC

SEP 30 AM 11:57

COMMISSION
CLERK

DATE: September 29, 2003
TO: Blanca Bayo, Director
Commission Clerk and Administrative Services
FROM: Lila A. Jaber, Chairman
RE: Docket No. 030889-TP

Please place the attached correspondence in the above-referenced docket file.

Attachments

JoAnn Chase

From: Lila Jaber
Sent: Monday, September 29, 2003 3:40 PM
To: Beth Salak; JoAnn Chase
Subject: FW: DOCKET NO. 030889-TP

-----Original Message-----

From: NOC.KL.TerraNova.Net [mailto:cw@terranova.net]
Sent: Monday, September 29, 2003 3:24 PM
To: ljaber@psc.state.fl.us; bbaez@psc.state.fl.us;
Davidson@psc.state.fl.us; tdeason@psc.state.fl.us;
rbradley@psc.state.fl.us; mbane@psc.state.fl.us
Cc: sorensen.ken@myfloridahouse.com; todd.laura@myfloridahouse.com;
merrill.holly@myfloridahouse.com; pb_state@pbpost.com
Subject: RE: DOCKET NO. 030889-TP

The FPSC staff (R. Moses, L. Fordham, Raspberry) goes to great lengths to dismiss these complaints as "it is not our job". Staff goes on to quote the 1996 Telecommunications Act in several instances. The most current portion quoted is from 2001. Staff completely ignores the most recent findings of the FCC regarding the 1996 Telecommunications Act initially presented in February of this year abdicating regulatory responsibilities to the state public service commissions. I also note that Chairman Jaber stated in my presence that the FPSC does indeed have jurisdiction over DSL and that they take those responsibilities seriously. Apparently, staff disagrees with Chairman Jaber as to job responsibilities.

Staff would have the commissioners believe that the FPSC has no jurisdiction in this matter and uses that as the sole reason for dismissing my complaints regarding predatory pricing and lying by BellSouth employees. I have provided documentation proving the lies I refer to and have additional documentation I can provide to prove BellSouth employees continue to lie about their verification procedures. Staff ignores the mandate for "Express Verifiable Authorization" as though it wasn't required in Florida. Staff recommendation leaves BellSouth unfettered to continue their slamming practices unchecked.

The FPSC can ignore their responsibilities under the guise of jurisdiction but that will further erode the tax base so badly needed by the State of Florida. With small business comprising 99% of employers in the private sector and 75% of the new jobs, BellSouth's price squeezing practices will continue to degrade the economy. No small IT business can survive when BellSouth retails DSL bundles 40% to 50% lower than they wholesale ADSL circuits and the associated transport costs for.

I ask that the Florida Public Service Commissioners require BellSouth to abide by the mandated EVA procedures and monitor the corporation as a repeat offender. Further, I request that the commissioners require BellSouth retail ADSL bundles at rates commensurate with their wholesale ADSL prices. If protecting small business and the consumer from the predatory practices of a monopoly is not your job, then the FPSC is an unwarranted expenditure of tax dollars. Please, do the right thing.

CW

--

The Ancient Mariner

TerraNovaNet

The Conch Republic

http://www.TerraNova.Net
http://www.ConchRepublic.org

If you want to build a ship, don't drum up people together to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea.

BellSouth has traditionally avoided regulation under the guise of selling Internet access. Bundling a service with a telecommunications circuit can't magically make BST into something other than a regulated telecommunications monopoly. That's like saying if they bundle credit card service with their dialtone, they are exempt from regulation because they are bundling the dialtone services with the credit card service. Now its up to the banking commission what they charge for the bundle including dialtone. In this case, it's up to the FPSC to determine that a broadband circuit is a telecommunications circuit and bundling additional service with it does not exempt BST from regulation. In addition, the FPSC has recently been delegated responsibility for that regulation by the FCC.

Chairperson Jaber stated to Representative Sorensen she was surprised someone at the FPSC would have said "this commission does not have jurisdiction over DSL service" (Rick.Mose.030624). Chairperson Jaber went on to state that the FPSC does indeed have jurisdiction and takes anti-competitive practices on the part of BellSouth very seriously. I trust this misunderstanding on the part of the FPSC staff has been cleared up.

The economy of this country has been ravaged by large scale greed by large corporations; \$200 billion Worldcom will cost citizens. Small business in the U.S. is responsible for 75% of the new jobs in the private sector and comprise 99% of employers. They employ 51% of the private sector. Unemployment just climbed to 6.7%. Is BellSouth hiring or are they offering early retirement packages? BellSouth Telecommunications has and continues to practice predatory behavior with broadband services. Left unchecked, BST will kill all small IT businesses dependent on their broadband infrastructure.

My specific complaints address BST's predatory pricing and predatory customer acquisition practices for their DSL infrastructure. BST slamming complaints can be found at the PSCs of all nine states. A Louisiana PSC representative referred to BST's behavior as "immoral and dishonest". Yes, it is. And then lying about having Letters of Authorization from "the other NSP" is criminal.

cw

William Mikalson
TerraNovaNet Internet Services
PO Box 3031
Key Largo FL 33037
305-453-4011
http://www.TerraNova.Net
http://www.ConchRepublic.org

BellSouth sells commodity DSL circuits wholesale for \$60 set up and \$33/month. In addition, the per customer average to transport the circuit from a BellSouth DSL cloud is \$7 via ATM. Assuming \$40 for a refurbished DSL modem, a wholesaler's first year cash outlay for a commodity DSL circuit is \$580 [(33x12)+(7x12)+60+40]. BellSouth _retails_ this circuit with Internet access bundled for \$414.85 [(19.95x3)+(45x9)-50]. That is everything free up front and \$50 cash back with the first three months for \$19.95 and \$45/month thereafter.

The wholesale cost of \$580 does not include the cost of Internet access. BellSouth's retail price of \$415 bundles Internet access. This untenable business model comes complements of a regulated monopoly. A monopoly

being able to set both the wholesale and retail prices of a service virtually eliminates small business competitors.

To date, BellSouth claims that these services at those prices are being offered by BellSouth.net, a non regulated Internet Service Provider. In December of 2002, BST dissolved BellSouth.net as a corporation. Yet it still claims no control over retail pricing. These kinds of legal guises are contrary to the spirit of the 1996 Telecommunications Act. Competition in the Information Technology industry was to be encouraged and subsidized. Competition is currently being unfairly preyed upon and systematically eliminated.

Here's an example of the predatory behavior destroying small business in BellSouth controlled territory. BellSouth telemarkets one of our existing DSL customers. The telemarketer lies and tells the wife she can just 'try' BellSouth's faster better service without interrupting their current connection with TerraNovaNet. She agrees to 'try it'. A few days later, the husband calls us wanting to know why he doesn't have Internet access. His DSL circuit is down. We check and see it has been disconnected pending an order from 'another NSP'. A return call to our customer brings out the story from the wife about 'trying it'.

We file a dispute with BellSouth regarding their slamming practice in this case. BellSouth's response is to require letters of authorization from each of the network service providers claiming this customer. No LOAs are provided by either NSP. BellSouth still has this customer though they acquired the customer through deception and provided no proof it had a signed LOA on file as required by their policy.

This is but one example of the predatory practices being employed by BellSouth to eliminate all competition. Our economy desperately needs growth in small business to recover. Mr. Greenspan said this exact thing recently. Yet BellSouth is being allowed to unfairly set both wholesale and retail prices on this critical service. And they are using clearly illegal practices to sell their cheaper retail service.

Microsoft partnered with SBC to offer DSL Internet access for \$34.95/month. Then, Verizon and Microsoft announced a partnership to sell MSN and DSL together for \$29.95/month. It will be too late if we wait until BST partners with Microsoft. Microsoft has proven itself to be the best of the best predators. There will be no choices and no small business in this industry.

BellSouth Telecommunications has recently filed a tariff for a new circuit, commonly referred to as DSL-LITE. BST uses an antiquated technology for their DSL transport called BBG (Broadband Gateway referred to as End-User Aggregation). DSL-LITE requires the NSP to have established a Broadband Gateway (BBG), referred to in the FCC Tariff as End User Aggregation (EUA). The short story on this one is that it is not economically feasible for anyone except BST to use this transport.

Thousands of dollars would be required to convert the current ATM transport circuit/s to BBG and tens of thousands of dollars required in new hardware. This expense would go to convert to an older unreliable technology. Now, if one were so inclined to travel that road, they would find their monthly per circuit cost with transport would be approximately two dollars less than the \$33 wholesale ADSL using ATM transport. Refer to Complaint Number One. BST retails this new circuit bundled with Internet access for ten dollars a month less than their retail DSL bundle. The net result is a retail price far below the wholesale price. BellSouth Telecommunications can have no competition for this circuit by the nature of their pricing models and proprietary transport.

Once again, we have a monopoly setting both wholesale and retail circuit prices without any interaction by a regulatory agency. BellSouth's "predatory pricing" or "price squeeze"; where, freed from regulation of

bundled-element tariffs, set "wholesale" prices for resellers close to or below their own retail prices. Then BellSouth throws in free bonuses to end users (modems, service bundles, etc.) that resellers buying from them cannot match with any expectation of profit.

The FCC recently delegated enforcement of the 1996 Telecommunications Act to the state public service commissions. The spirit of that act was to foster competition and growth in the IT industry. BellSouth's predatory pricing is contrary to everything hoped for and tears at the heart of the American economy.

I ask you to stop BellSouth Telecommunications from continuing their predatory practices and provide an even playing field that fosters competition. The lies and theft by large corporations in this country must stop if we are to heal. You have been trusted with the public interest. My pricing models are accurate. My allegations of stealing and lying are documented. Do the right thing.

CW
TerraNovaNet

BellSouth is ignoring the FCC mandate for "Express Verifiable Authorization". BellSouth requires a Letter of Authorization for each customer from its wholesalers. BellSouth has not and does not make that requirement of its own sales departments. ALL of their current telemarketing practices ignore the EVA requirements.

The complaint is this instance of BellSouth Telecommunications attempting to steal our customer, lying to cover up that they had no Letter of Authorization to move the circuit and holding the circuit hostage with continued lies.

Letter to BST and cc'd to FPSC 18 June 2003

Dear Ms. Niquet.

TerraNovaNet was again slammed by BellSouth Telecommunications, dba BellSouth.net, this week. I am appending our customer information. We discovered this by rolling a repair fifty miles down island to our customer's premise. Our technician's repairs evolved to a query for PPPOE servers and found BellSouth machines. Both the husband and wife assured our technician that they had not ordered DSL service from BellSouth. Our customer is currently using our 56k terminal awaiting repair on their circuit. We will have to dispatch a technician to Marathon at \$450/trip again once the circuit is remapped back to our gateway. Given these circumstances, we are making the following demands.

- 1) A copy of the Letter of Authorization obtained by BellSouth for this customer must be faxed to us before close of business today.
- 2) In the event item one cannot be achieved, we demand that our customer's circuit be remapped to our gateway before end of business today.
- 3) We demand documentation that we will not be charged early termination and new circuit installation fees.
- 4) We demand a purchase order followed by a check in the amount of \$900 for two repair trips to Marathon.

Should you choose not to comply with the stated demands, we will bring action in civil court. Govern your behavior accordingly.

William Mikalson
TerraNovaNet
PO Box 3031
Key Largo FL 33037

Abused Customer Information

Richard Schultz
441 10th Street
Key Colony Beach Florida 33050
CircuitID 305-743-9370

SOEG Database Information

End User Telephone Number/Account Number: (305) 743 - 9370
Request Status/Reason: COMPLETE
Request Submission Date: 6/13/2003 18:49:09
Due Date: 6/14/2003
Completion Date: 6/13/2003 18:49:09
Request Type/Reason: End of Service Notification , Change NSP
Request Number: 5364603
BOM 06/13/03 18:49 BellSouth Disconnect

REPLY FROM BST 18 June 2003

Mr. Mikalson;

I am in receipt of your email and we have opened LOA dispute case number #19538 on tn 305 743-9370. Per your request below we have temporarily moved this customer's service back to your provisioning information but we will not close out the case until 5PM EST on 6/19/03 as is normal and customary. If the LOA we receive from your company is the most current valid LOA and the case is closed out to you we will adjust your account for the Termination charge and will reinstall the customer at no cost to your company, but as of this time we have not yet received an LOA from your company and I must remind you that if we do not receive it the customer will be returned to the other ISP's service and the Termination fee charged to your company will remain, again as per standing procedures.

I have reviewed the history of this account as touched by our center and verified that we have followed the established processes and procedures that have been in place since October of 2001 for all ISPs and their endusers, specifically we received a request from another Internet Service Provider for service on 305 743-9370 and installed that service. You have challenged the change and we have again followed standing procedure and opened an LOA dispute, case number #19538.

I can not comment on the rest of your email at this time.
Thank you
Valerie Niquet
DSG OSC
404 499-3414

To our customer and cc'd to FPSC 08 July 2003

Hello Richard and Betty.

First, thank you for your patience in this matter. Unfortunately, I have been able to make no progress in having your DSL circuit restored to the TerraNovaNet gateway. BellSouth refuses to relinquish control of your circuit and through their unwillingness to act; the Florida Public Service Commission subsidizes BellSouth's theft. One can only guess at the FPSC's motivations. Perhaps it is just laziness. Perhaps it is a matter for the Attorney General's office.

We will have to pay BellSouth an early termination fee. That is SOP when BellSouth successfully slams a customer. You, on the other hand, are not required to pay BellSouth for their theft. When you receive the

BellSouth bill, check the box indicating you are disputing charges. Enclose a note stating that you did not order DSL service from BellSouth and do not want to pay for it. Please let me know if they ignore your note and continue to bill you. I will see what I can do to help you get the charges credited.

On the positive side, I am meeting with our Representative, Ken Sorensen, this afternoon to attempt to affect some change in BellSouth's predatory behavior. Mr. Sorensen is concerned with your rights as a consumer and the plight of small businesses in our state. I am confident that Mr. Sorensen will lead us out of this telecommunications black hole and back to some sense of fair play in the business world.

Thank you again for your patience. And, thanks for choosing TerraNovaNet.

cw

The Ancient Mariner

TerraNovaNet
The Conch Republic
<http://www.TerraNova.Net>
<http://www.ConchRepublic.org>

If you want to build a ship, don't drum up people together to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea.

-- Antoine de Saint Exupery

RESPONSE FROM FPSC 24 June 2003

As a courtesy, we forwarded your complaint to BellSouth and below is its response to your DSL slamming complaint. However, I want to emphasize once more, as you have been notified previously by my staff, this commission does not have jurisdiction over DSL service.

-----Original Message-----

From: Sirianni, Maryrose [mailto:Maryrose.Sirianni@BellSouth.com]
Sent: Tuesday, June 24, 2003 10:15 AM
To: 'Rick Moses'
Subject: RE: BellSouth Lies and Deceit

Rick,

Prior to October 2001, all NSP's including .net were required to provide LOAs for DSL service. However, since that time NSPs were only required to provide an LOA in the 2 situations below. dot.Net has chosen not to get an LOA unless it is one of the situations listed below. thanks

-----Original Message-----

From: Rick Moses [mailto:RMoses@PSC.STATE.FL.US]
Sent: Tuesday, June 24, 2003 9:45 AM
To: Mary Rose Sirianni
Subject: RE: BellSouth Lies and Deceit

Thanks for the reply, but specifically does BellSouth require LOAs for DSL service for its own customers?

-----Original Message-----

From: Sirianni, Maryrose [mailto:Maryrose.Sirianni@BellSouth.com]
Sent: Tuesday, June 24, 2003 9:31 AM
To: 'rmoses@psc.state.fl.us'
Subject: FW: BellSouth Lies and Deceit

Rick,

We treat ALL NSPs the same. We request LOAs from ALL NSPs in the following situations:

- 1- When Lineshare is present and the customer wants ADSL
- 2- When there is a dispute between 2 NSPs (or more) over the same end user

All NSPs are required when submitting a request form in the service order entry gateway (SOEG) to obtain a LOA. If the NSP chooses NOT to obtain an LOA, there is nothing we can do. We only enforce or request a LOA when it is in one of the above situations.

Hope this helps.

MaryRose

-----Original Message-----

From: Sims, Nancy H
Sent: Wednesday, June 18, 2003 3:15 PM
To: Sirianni, Maryrose
Subject: FW: BellSouth Lies and Deceit

Here it is. See what you can find out.
Thanks,
Nancy

-----Original Message-----

From: Rick Moses [mailto:RMoses@PSC.STATE.FL.US]
Sent: Wednesday, June 18, 2003 1:26 PM
To: Nancy Sims
Cc: Clayton Lewis; Don McDonald
Subject: FW: BellSouth Lies and Deceit

Nancy, can you tell me if BellSouth requires an LOA for DSL service for its customers in the same manner as it does for competitive carriers' customers?

-----Original Message-----

From: Don McDonald
Sent: Wednesday, June 18, 2003 1:00 PM
To: Rick Moses
Cc: Clayton Lewis
Subject: RE: BellSouth Lies and Deceit

Clayton has been handling a complaint from him.

William Mikalson
TerraNovaNet
PO Box 3031
Key Largo FL 33037
305-453-4011

-----Original Message-----

From: Rick Moses
Sent: Wednesday, June 18, 2003 12:55 PM
To: Don McDonald
Subject: RE: BellSouth Lies and Deceit

Who is this person? Does he have a name?

-----Original Message-----

From: Don McDonald
Sent: Wednesday, June 18, 2003 12:52 PM
To: Rick Moses
Subject: FW: BellSouth Lies and Deceit

FYI

-----Original Message-----

From: NOC.KL.TerraNova.Net [mailto:cw@terranova.net]
Sent: Wednesday, June 18, 2003 12:20 PM
To: Clayton Lewis
Cc: DMcDonal@PSC.STATE.FL.US
Subject: BellSouth Lies and Deceit

Mr. Lewis.

For the record, I want to place a formal complaint against BellSouth Telecommunications for lying. BST requires all NSPs to obtain Letters of Authorization for each ADSL circuit ordered. According to the BellSouth DSG, it treats BellSouth.net like all Network Service Providers and requires LOAs from them. I allege that BellSouth Telecommunications, dba BellSouth.net, has never gotten LOAs from their customers and does not practice that requirement internally today.

Large corporations practicing deceit and lying cost taxpayers and retired elderly almost \$200 billion in the Worldcom case alone. I request that BellSouth Telecommunications be investigated for lying and practicing deceit to further their predatory practices. I also request that BellSouth ADSL retail sales be halted in the state of Florida until an investigation can reveal the truth. Allowing BST to continue predatory practices in their retail sales of ADSL services damages small business in Florida every day that it is allowed to continue.

Please acknowledge receipt of this complaint.

cw

The Ancient Mariner

TerraNovaNet
The Conch Republic
<http://www.TerraNova.Net>
<http://www.ConchRepublic.org>
~~~~~

If you want to build a ship, don't drum up people together to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea.

-- Antoine de Saint Exupery

-----  
RESPONSE TO FPSC (Rick.Moses) 24 June 2003  
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I don't recall ever being told the FPSC does not have jurisdiction over DSL service. I have never seen an exception rule for DSL circuits. To my knowledge, the FPSC has jurisdiction over all telecommunications circuits. If you are referring to the Internet access portion of the 'bundle', then you are using an excuse to not deal with a problem that is killing small businesses in the state of Florida. Your 'courtesy' has accomplished nothing. I have furnished you documentation in two recent incidents that prove BST slammed our customers. Why are you not requiring BST to show you the LOAs they contend they obtained?

Your 'this isn't my problem' attitude is disgusting. You have been trusted with the public welfare and your 'here's a quarter, call

somebody that cares' attitude has Mr. and Mrs. Schultz without ADSL service and TerraNovaNet paying BST to slam them. You are subsidizing BST's predatory practices with your behavior when you have been entrusted to prevent monopolies from preying on the public. Your actions in this matter endorse BST's lies and deceit and make you an integral part of their predatory behavior.

A week has passed and the total accomplishment of the Florida Public Service Commission has been to get a generic answer from BST. Why have you not asked for the LOAs in question? Just what is the motivation behind your lack of action?

Your 'we don't have jurisdiction' rationalization for doing nothing doesn't hunt. The complaints address telecommunications circuits, not Internet access. I'm not going to politely walk away, Rick. The welfare of several families rests with my actions. You can bet I won't fail them. Lies and deceit in business are against the law. You can do your job and stop these practices as a regulatory agency. Or, you can waste more time explaining to the Attorney General's office why you didn't feel it was your job.

I look forward to some specific answers. Generic doublespeak does nothing but offend my sense of morality. I would hope it would affect you the same way. Courtesy, indeed.

CW