

Matilda Sanders

040659-TL

From: Fatool, Vicki [Vicki.Fatool@BELLSOUTH.COM]
Sent: Wednesday, June 30, 2004 12:42 PM
To: Filings@psc.state.fl.us
Subject: New Docket - BST's Petition for Emergency Temporary Rule Waiver

Importance: High



BJCL01!
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BJCL01!
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A. Vicki Fatool

Legal Secretary to Nancy B. White
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5560
vicki.fatool@bellsouth.com

B. New Docket: Petition by BellSouth Telecommunications, Inc. for
Emergency

Temporary Waiver of Rules Rules 25-4.066(2) and (3);
25-4.070(3) (a), (3) (b), and (5);
25-4.073(1) (a), (1) (c) and (1) (d); 25-4.0770(2); 25-4.040(5);
and 25-4.111, Florida
Administrative Code

C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White

D. 7 pages total (including letter, certificate of service and
pleading)

E. BellSouth Telecommunications, Inc.'s Petition for Emergency
Temporary Rule Waiver
Both .pdf and word versions are attached.

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Legal Department

NANCY B. WHITE
General Counsel - FL

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

June 30, 2004

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

040659-72


**Re: Petition by BellSouth Telecommunications, Inc. for Emergency
Temporary Waiver of Rules Rules 25-4.066(2) and (3); 25-
4.070(3)(a), (3)(b), and (5); 25-4.073(1)(a), (1)(c) and (1)(d); 25-
4.0770(2); 25-4.040(5); and 25-4.111, Florida Administrative Code**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth
Telecommunications, Inc.'s Petition for Emergency Temporary Rule Waiver,
which we ask that you file in the captioned *new* 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,


Nancy B. White

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

DOCUMENT NUMBER-DATE

07158 JUN 30 3

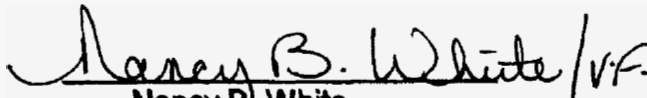
FPSC-COMMISSION CLERK.

CERTIFICATE OF SERVICE

**Petition by BellSouth Telecommunications, Inc. for Emergency Temporary Waiver
of Rules Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b), and (5);
25-4.073(1)(a), (1)(c) and (1)(d); 25-4.0770(2); 25-4.040(5);
and 25-4.111, Florida Administrative Code**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and First Class U. S. Mail this 30th day of June, 2004 to the following:

Beth Keating
General Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6212
Fax. No. (850) 413-6250
bkeating@psc.state.fl.us


Nancy B. White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Tele-)
communications, Inc., for Emergency)
Temporary Waiver of Rules 25-4.066(2))
and (3); 25-4.070(3)(a), (3)(b), and (5);)
25-4.073(1)(a), (1)(c) and (1)(d);)
25-4.0770(2); 25-4.040(5); and 25-4.111,)
Florida Administrative Code)
_____)

Docket No.: 040659 - TL

Filed: June 30, 2004

**BELLSOUTH TELECOMMUNICATIONS, INC.'S PETITION
FOR EMERGENCY TEMPORARY RULE WAIVER**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code, hereby petitions the Florida Public Service Commission ("Commission") to waive Rules 25-4.066(2) and (3); 25-4.070(3)(a), (3)(b); and 25-4.073(1)(a), (1)(c) and (1)(d); 25-4.0770(2); 25-4.040(5); and 25-4.111, Florida Administrative Code, on a temporary and emergency basis. Specifically, BellSouth seeks the following:

1. BellSouth is a local exchange company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.
2. BellSouth's principal place of business in Florida is 150 W. Flagler Street, Suite 1910, Miami, Florida 33130. Pleadings and process may be served upon:

Nancy B. White
c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

3. BellSouth is subject to the regulation of the Florida Public Service Commission ("Commission"). The substantial interests of BellSouth will be affected by the Commission's determination as to the matter set forth in this petition.

4. Rules 25-4.066(2) and (3), Florida Administrative Code require that 90% of all requests for primary service be satisfied within three working days, where facilities are available, and requires 95% of all applications for new service in each exchange within a 30 day maximum interval.

5. Rules 25-4.070(3)(a), (3)(b), and (5), Florida Administrative Code require that restoration of interrupted service shall be scheduled to insure at least 95% are cleared within 24 hours, that 95% of service affecting reports be cleared within 72 hours; and that the percentage of repeat troubles not exceed 20% of the total initial customer reports in each exchange.

6. Rules 25-4.073(1)(a) and (1)(d), Florida Administrative Code require that a company utilizing a menu driven, automated, interactive answering system, answer 95% of all calls to repair and 85% of all calls to business offices within 55 seconds; and that 95% of calls be answered within 15 seconds after the last digit is dialed.

7. Rule 25-4.0770(2), Florida Administrative Code requires that 95% of appointments be kept each month. Rule 25-4.040(5), Florida Administrative Code requires that all new or changed listings shall be provided to directory assistance operators within 48 hours. Rule 25-4.111, Florida Administrative Code requires that all complaints must be responded to within 15 days.

8. As approved by Order Nos. PSC-01-1643-AS-TL and PSC-02-0197-PAA-TL, dated August 13, 2001 and February 13, 2002, respectively, BellSouth established a new Service Guarantee Plan ("Plan"). This Plan automatically provides payments in the form of credits to customers in the event certain service installation and repair objectives are not met. Section 2(D)(1) of Stipulation and Settlement By and Between the Office of Public Counsel and BellSouth Telecommunications, Inc., dated July 9, 2001 (which contains the Plan) specifically states that BellSouth may declare a service emergency due to a work stoppage, make indefinite commitments for installation and repair services, initiate public service announcements to inform customers, and notify the Commission at the time of implementation and termination of the service emergency period. Where BellSouth is relieved of meeting the objectives, it will revert to making refunds or adjustments for customers affected by a service emergency, pursuant to Rule 4.110(6), Florida Administrative Code, for out-of-service conditions as defined by Rule 25-4.070(1)(b), Florida Administrative Code.

9. By its written terms, on August 7, 2004 at 11:59 p.m. (Eastern), the Agreement between the Communications Workers of American ("CWA") and BellSouth is scheduled to expire. BellSouth and the CWA are currently in negotiations to secure a new agreement. While BellSouth is hopeful that these negotiations will be successful, in the event that BellSouth is unable to negotiate a new agreement with the CWA prior to the termination of the current agreement,

then a work stoppage may be initiated by the CWA. This work stoppage would affect BellSouth's ability to comply with the Commission rules listed herein.

10. In the event of a work stoppage, a significant number of BellSouth craft employees will not report to work and management employees will be called upon to fill the void. Many of these craft employees have duties that determine BellSouth's compliance with the Commission's rules. In addition, managers that have responsibility for compliance with these rules will be reassigned to other positions.

11. **BellSouth's waiver request meets the standards of Section 120.542, Florida Statutes.** The purpose of the underlying statutes, Sections 364.01(4), 364.025, 364.051, 364.15, and 364.19 is, in part, to promote the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers. BellSouth's waiver will not undermine this purpose. It is BellSouth's intent to fulfill its obligations to provide service to the areas it serves in the event of a work stoppage. BellSouth will make every effort to continue to give priority restoration to those customers providing emergency services.

12. BellSouth submits that the equities in this case weigh heavily in favor of granting this waiver. Although the relief requested in this Petition may not be necessary, in the event that a work stoppage does occur, the precise duration of the need for this relief is not known. Therefore, BellSouth submits that the Commission should approve the waiver described above for an initial

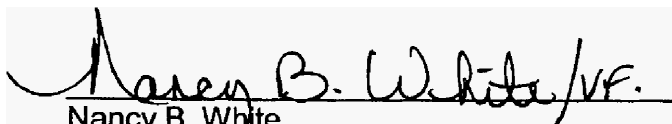
period of 30 days, starting on the date of a work stoppage, and subject to Commission review, and possible extension.

13. BellSouth seeks this temporary waiver on an emergency basis in light of the fact that, by its written terms, the agreement is scheduled to expire on August 7, 2004 at 11:59 p.m. (eastern). BellSouth will suffer immediate adverse effects unless the waiver is issued prior to that date.

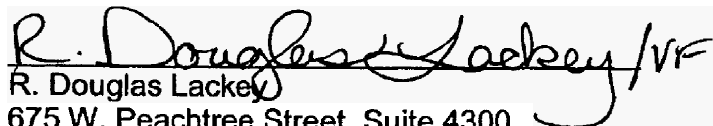
WHEREFORE, BellSouth requests that, having demonstrated good cause for its request, the Commission grant its Petition for Emergency Temporary Rule Waiver.

Respectfully submitted this 30th day of June, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



Nancy B. White
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
Tel. No. (305) 347-5558



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