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Timolyn Henry

From: Fatool, Vicki [Vicki.Fatool@BELLSOUTH.COM]
Sent: Thursday, July 08, 2004 2:46 PM
To: Filings@psc.state.fl.us
Subject: 040659-TL BellSouth's Amended Petition for Emergency Temporary Rule Waiver
Importance: High

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

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B. Docket No. 040659-TL; 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. 5 pages total (including letter, certificate of service and pleading)
- E. **Amended Petition** for Emergency Temporary Rule Waiver (.pdf version attached).

<<Document1.pdf>>

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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

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July 8, 2004

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


Re: **Docket No. 040659-TL**
**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 BellSouth Telecommunications, Inc.'s *Amended* Petition for
Emergency Temporary Rule Waiver, which we ask that you file in the captioned
docket.

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


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CERTIFICATE OF SERVICE
Docket No. 040659-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and First Class U. S. Mail this 8th day of July, 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);)	Docket No.: 040659-TL
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)	Filed: July 8, 2004
_____)	

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

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.542, Florida Statutes, and Rules 28-104.002 and 28-104.004, Florida Administrative Code, hereby requests that the Florida Public Service Commission ("Commission") accept an amendment to BellSouth's Petition for Emergency Temporary Rule Waiver filed on June 30, 2004, in Docket No. 040659 to add a waiver of Rules 25-22.032(4)(b) and 25-22.032(6)(b), 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:

DOCUMENT NUMBER-DATE

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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. Rule 25-22.032(4)(b) Florida Administrative Code requires that a company participating in the E-Mail transfer program shall acknowledge a customer's E-mail by no later than the working day after the date of receipt.

5. Rule 25-22.032(6)(b) , Florida Administrative Code requires that a response to a complaint must be provided within 15 working days after the Commission Staff sends the complaint to the company.

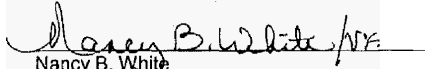
6. This amended request is being made based on the reasons set forth in the underlying paragraphs of the June 30, 2004, original Petition; more specifically, as set forth in paragraphs 9, 10, 11, 12, and 13 of the original Petition.

7. BellSouth seeks to add these rules to its June 30, 2004, temporary waiver under the same emergency basis, which would be prior to the August 7, 2004, expiration date of the BellSouth Contract with the CWA. BellSouth will suffer immediate adverse effects unless the waiver is issued prior to that date.

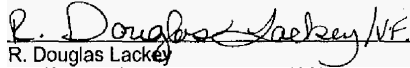
WHEREFORE, BellSouth requests that, having demonstrated good cause for its request, the Commission grant its Amended Petition for Emergency Temporary Rule Waiver.

Respectfully submitted this 8th day of July, 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



R. Douglas Lackey
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