

ORIGINAL**Matilda Sanders**

From: Fatool, Vicki [Vicki.Fatool@bellsouth.com]
Sent: Friday, July 09, 2004 3:53 PM
To: Filings@psc.state.fl.us
Subject: New Docket: BellSouth's Petition for Waiver of Order Nos. 12765 and 13476
Importance: High

040714-VL

- 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. Docket No.: Petition for Waiver of Order Nos. 12765 and 13476 to permit use of "FCC Authorized charge for network access" to identify the FCC Interstate End User Charge on Customer's Bills by BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White
- D. 5 pages total (including letter, certificate of service and pleading)
- E. Petition for Waiver of Order Nos. 12765 and 13476

.pdf file attached.

<<Petition.pdf>>

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7/9/2004

ORIGINAL

Legal Department

NANCY B. WHITE
General Counsel - FL

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
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July 9, 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.: 040714-7.
**Petition for Waiver of Order Nos. 12765 and 13476 to permit use of
"FCC Authorized charge for network access" to identify the FCC
Interstate End User Charge on Customer's Bills by BellSouth
Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Petition for Waiver of
Order Nos. 12765 and 13476, which we ask that you file in the captioned *new*
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-CATT

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CERTIFICATE OF SERVICE

**Petition for Waiver of Order Nos. 12765 and 13476 to permit use of "FCC
Authorized charge for network access" to identify the FCC
Interstate End User Charge on Customer's Bills
by BellSouth Telecommunications, Inc.**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and First Class U. S. Mail this 9th 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 for Waiver of Order Nos. 12765)
and 13476 to permit use of "FCC Authorized)
charge for network access" to identify the FCC)
Interstate End User Charge on Customer's Bills)
by BellSouth Telecommunications, Inc.)
_____)

Docket No. 040714-72

Filed: July 9, 2004

**BELLSOUTH TELECOMMUNICATIONS, INC.'S PETITION
FOR WAIVER OF ORDER NOS. 12765 and 13476**

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 the requirements of Order Nos. 12765 and 13476. 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

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affected by the Commission's determination as to the matter set forth in this petition.

4. On December 9, 1983, the Commission issued Order No. 12765 requiring that all bills to customers reflect the FCC interstate end user charge as a separate line item to be identified as "FCC charge for interstate toll access."

5. On July 3, 1984, the Commission issued Order No. 13476 allowing local exchange companies to use the following alternate phrases to identify the FCC interstate end user charge:

FCC interstate toll access charge

FCC interstate l(ong) d(istance) access charge

FCC/toll access (could only be used if the local exchange company demonstrated that use of another alternative was cost prohibitive.)

6. Since 1998, BellSouth has used the phrase "FCC charge for network access" to reflect the FCC interstate end user charge as a separate line item on its bills.

7. Discussions with Commission Staff and various consumers have led BellSouth to believe that the phrase used by BellSouth may lead to confusion as to whether the charge is required by or remitted to the FCC. In order to reduce the possibility of any customer confusion, BellSouth requests that it be permitted to use the term "FCC authorized charge for network access" to identify the line item representing the FCC interstate end user charge.

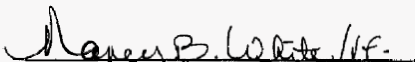
8. BellSouth's waiver request meets the standards of Section 120.542, Florida Statutes. The purpose of the underlying orders is, in part, to inform customers "what the FCC charge is for and by whom it is imposed."

9. BellSouth submits that the equities in this case weigh heavily in favor of granting this waiver.

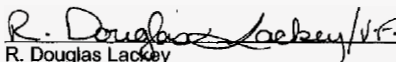
WHEREFORE, BellSouth requests that, having demonstrated good cause for its request, the Commission grant its Petition for Emergency Temporary Rule Waiver of Order Nos. 12765 and 13476 to permit the use of "FCC authorized charge for network access" to identify the FCC interstate end user charge on customers' bills.

Respectfully submitted this 9th day of July, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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c/o Nancy H. Sims
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