
NANCY B. WHITE
General Counsel - FL

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

November 19, 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. 040604-TL
In re: Adoption of the National School Lunch Program and an
income-based criterion at or below 135% of the Federal Poverty
Guidelines as eligibility criteria for the Lifeline and Link-Up programs**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Opposition to AARP's Motion for Reconsideration/Rescheduling/and Removal of Funding Mechanism Issue, 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

**CERTIFICATE OF SERVICE
DOCKET NO. 040604-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and U.S. Mail this 19th day of November, 2004 to the following:

Adam Teitzman
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel No. (850) 413-6175
ateitzma@psc.state.fl.us

Charles J. Rehwinkel
Atty. for Sprint LP
Sprint-Florida, Inc.
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1560
Fax. No. (850) 878-0777
charles.j.rehwinkel@mail.sprint.com

Susan Masterton
Sprint-Florida, Inc.
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1560
Fax. No. (850) 878-0777
susan.masterton@mail.sprint.com

ALLTEL Communications Svcs., Inc.
Ms. Betty Willis
One Allied Drive, B4F4ND
Little Rock, AR 72203-2177
Tel. No. (501) 905-5692
Fax. No. (501) 905-5679
bettye.j.willis@alltel.com

GT Com
Mr. Mark Ellmer
P.O. Box 220
Port St. Joe, FL 32457-0220
Tel. No. (850) 229-7335
Fax. No. (850) 229-8724
mellmer@fairpoint.com

Office of Public Counsel
c/o The Florida Legislature
Harold McLean/Charles J. Beck
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Tel. No. (850) 488-9330
Fax. No. (850) 488-4491
beck.charles@leg.state.fl.us

Rutledge Law Firm
Ken Hoffman/M. McDonnell/M. Rule
215 South Monroe Street (32301)
Suite 420
P.O. Box 551
Tallahassee, FL 32302-0551
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515
ken@reuphlaw.com
marty@reuphlaw.com
marsha@reuphlaw.com
Represents NEFCOM

TDS Telecom/Quincy Telephone
Mr. Thomas M. McCabe
P.O. Box 189
Quincy, FL 32353-0189
Tel. No. (850) 875-5207
Fax. No. (850) 875-5225
Thomas.mccabe@tdstelecom.com

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

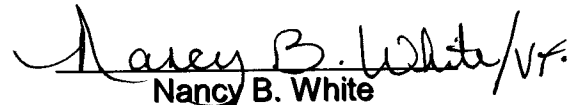
Richard A. Chapkis
Verizon Florida, Inc.
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
Tel. No. (813) 483-1256
Fax. No. (813) 204-8870
Richard.chapkis@verizon.com

Verizon Florida, Inc.
Mr. David Christian
106 East College Avenue
Tallahassee, FL 32301-7748
Tel. No. (850) 224-3963
Fax. No. (850) 222-2912
david.christian@verizon.com

Benjamin H. Dickens, Esq.
Mary J. Sisak, Esq.
Blooston, Mordokofsky, Jackson
& Dickens
2120 L Street, N.W. Suite 300
Washington, DC 20037
Tel. No. (202) 828-5510
Fax. No. (202) 828-5568
Represents NEFCOM

Michael B. Twomey
P.O. Box 5256
Tallahassee, Florida 32314-5256
Tel. No. (850) 421-9530
Fax. No. (850) 421-8543
miketwomey@talstar.com

Coralette Hannon, Esquire
Senior Legislative Representative
AARP Department of State Affairs
6705 Reedy Creek Road
Charlotte, North Carolina
Tel No. (704) 545-6187
Fax. No. (704) 783-0085
channon@aarp.org


Nancy B. White

FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of the National School Lunch)
Program and an income-based criterion at or)
below 135% of the Federal Poverty Guidelines)
as eligibility criteria for the Lifeline and Link-)
Up programs.)
_____)

Docket No. 040604-TL

Filed: November 19, 2004

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OPPOSITION TO AARP'S MOTION FOR RECONSIDERATION/
RESCHEDULING/AND REMOVAL OF FUNDING MERCHANISM ISSUE**

Pursuant to Rule 25-22.0376, Florida Administrative Code, BellSouth Telecommunications, Inc. ("BellSouth") hereby files its Opposition to the Motion for Reconsideration/Rescheduling/and Removal of the Funding Mechanism Issue filed by the AARP. BellSouth opposes AARP's Motion for the following reasons:

1. On July 9, 2004, the Staff of the Florida Public Service Commission ("FPSC") filed a recommendation in this docket seeking Commission approval to, among other things, adopt additional eligibility criteria for the Lifeline and Link-Up programs and to allow self-certification.

2. At the July 20, 2004 agenda conference, this recommendation was debated. Present and participating in the discussion was the representative for the AARP. The Staff recommendation was adopted at the agenda.

3. On August 10, 2004, Order No. PSC-04-0781-PAA-TL was issued. That Order embodied the adoption of the Staff recommendation.

4. On August 31, 2004, several entities filed petitions protesting the Order and requesting a hearing. These entities included BellSouth, the Office of Public Counsel, Sprint-Florida, Verizon and Quincy Telephone Company.

5. On October 7, 2004, the Staff issued a notice of an issue identification meeting to be held on October 20, 2004. This notice was addressed to all parties and interested persons. It should be noted that the AARP is listed on the Commission's website as an interested person. The notice also requested a preliminary list of issues to be filed with the Commission by October 15, 2004.

6. The AARP did not file a list of preliminary issues with the Commission. The AARP participated in the issue identification meeting in person. At the October 20, 2004 issue identification meeting, the issues submitted by the various parties were discussed and finalized.

7. The outcome of the meeting was reflected in the Order Establishing Procedure issued on November 1, 2004 (Order No. PSC-04-1066-PCO-TL). The Order Establishing Procedure also set forth the controlling dates in this docket, including the filing of direct testimony on November 17, 2004. Indeed, the Staff had advised the parties at the Issue Identification meeting that November 17, 2004 was the tentative due date for direct testimony. The Order Establishing Procedure merely confirmed that. Moreover, attached to the Order Establishing Procedure was the tentative issues list. Pursuant to Rule 25-22.0376, Florida Administrative Code, a motion for reconsideration of a non-final order must be filed within ten days after issuance of the order. AARP filed its Motion one day after this deadline.

8. On November 5, 2004, the Commission issued an Order Modifying Procedure (Order No. PSC-04-1096-PCO-TL). This Order merely modified the date of the prehearing conference.

9. On November 12, 2004, some eleven days after the Order Establishing Procedure and three weeks after the issue identification meeting, AARP filed the instant Motion. Essentially, the gravamen of AARP's Motion is that they did not have an "opportunity" to argue whether the funding mechanism issue should be included as an issue in this docket and whether the testimony dates were adequate. Absolutely no explanation was given by the AARP as to why their participation in the issue identification meeting which had been noticed and where there was ample opportunity to be heard was insufficient. Absolutely no explanation was given by the AARP as to why they had not sought a ruling from the Prehearing Officer on the appropriateness of including the funding mechanism issue. Absolutely no basis is cited by the AARP as to why testimony could not be filed by the due date when just about every other party managed to do so.

10. Moreover, BellSouth avers that the AARP has missed the deadline for reconsideration of the procedural order and, is therefore, barred from protesting. As noted above, the AARP did not file a timely reconsideration of the original procedural order. The Order Modifying Procedure did not deal with dates for testimony. The AARP cannot use a motion for reconsideration of the Order Modifying Procedure to argue the substance of the original procedural order to excuse their untimely reconsideration of the original procedural order.

11. In addition, it is well established that an intervener takes the case as he finds it. Rule 25-22.039, Florida Administrative Code. The AARP filed their intervention on November 10, 2004, well after testimony dates were set and the issues established.

12. The AARP is seeking special treatment and this should not be allowed. Rebuttal testimony is due December 17, 2004. The AARP thus has an ample opportunity to address the issue in that testimony.

WHEREFORE, BellSouth requests that the Commission deny AARP's motion for the reasons set forth herein.

Respectfully submitted this 19th day of November, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558



R. DOUGLAS LACEY
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747