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July 20, 2005

Via Federal Express

Ms. Blanca Bayo, Director The Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Re: Docket No. 050387-TP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket, please find the original and fifteen (15) copies of Supra Telecommunications and Information Systems, Inc.'s Motion to File Amended Petition and attached Exhibits which include the Amended Petition.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me in the self-addressed-stamped-envelope enclosed herein. Copies have been served to the parties shown on the attached Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

Steven B. Chaiken

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Supra Telecommunications)	
And Information Systems, Inc. to Review)	Docket No. 050387-TP
BellSouth Promotional Tariffs)	Filed: July 21, 2005
)	

SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S MOTION TO FILE AMENDED PETITION

Supra Telecommunications and Information Systems, Inc. ("Supra"), moves this Florida Public Service Commission ("Commission") for leave to file an amended petition. In support of its motion, Supra states as follows:

ARGUMENT

- 1. On June 3, 2005, Supra filed its Petition of Supra Telecommunications and Information Systems, Inc. to Review BellSouth Promotional Tariffs initiating the instant docket.
- 2. On June 20, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed its Motion to Enforce the Confirmation Order (the "Motion") in Case No. 02-41250-BKC-RAM before the United States Bankruptcy Court, Southern District of Florida and requested that Bankruptcy Court require Supra to dismiss the instant docket until September 18, 2005.
 - 3. On June 30, 2005, the Bankruptcy Court heard oral arguments on the Motion.
- 4. On July 18, 2005, the Bankruptcy Court issued its Order Granting In Part and Denying Part BellSouth Telecommunications, Inc.'s Motion to Enforce the Confirmation Order (the "Order"). A copy of the Order is attached hereto as Exhibit 1.
- 5. Pursuant to the Order, Supra is required to file an amended petition removing reference to Tariff Numbers T-04-1224 or No. T-04-1223 and must refrain from challenging such tariffs until September 18, 2005.

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6. As a result of the Order, Supra respectfully requests that this Commission grant it

leave to file an amended petition to allow Supra to comply with the Order.

7. Supra has attached to this motion as Exhibit 2 a copy of Supra's amended

petition, and requests that it be deemed filed in the event the Commission grants Supra's motion.

8. Supra has conferred with counsel for BellSouth and is authorized to represent that

BellSouth has no objection to the relief requested.

WHEREFORE, Supra respectfully requests that this Commission enter an order

granting Supra leave to file an amended petition and deem Supra's amended petition as filed.

Respectfully submitted,

By:

Steven B. Chaiken

Brian Chaiken

SUPRA TELECOMMUNICATIONS AND

INFORMATION SYSTEMS, INC.

2901 SW 149th Ave., Suite 300

Miramar, Florida 33027

Dated: July 21, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was delivered by U.S. Mail to the persons listed below this 21st day of July 2005.

Ms. Nancy White c/o Nancy Sims BellSouth Telecommunications, Inc. 150 S. Monroe Street Suite 400 Tallahassee, FL 32301

Ms. Beth Keating Legal Division Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

James Meza
BellSouth Telecommunications, Inc.
675 West Peachtree Street, N.W.
Suite 4300
Atlanta, GA 30375

STEVEN CHAIKEN

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

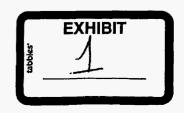
In re:)	
,)	Chapter 11
SUPRA TELECOMMUNICATIONS &)	·
INFORMATION SYSTEMS, INC.,)	
)	Case No. 02-41250-BKC-RAM
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ORDER GRANTING IN PART AND DENYING IN PART BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION TO ENFORCE THE CONFIRMATION ORDER

THIS MATTER came before the Court on June 30, 2005 at 2:00 p.m., in Miami, Florida upon BellSouth's *Motion to Enforce the Confirmation Order* (the "Motion") (C.P. # 1926). The Court, having heard argument of counsel, and having reviewed the Motion and Supra's response thereto, **ORDERS** as follows:

- A. Pursuant to Section 4.2 of the Final Purchase Agreement and Section IV(J)(9), footnote 35(iv), on page 86 of the Third Amended Disclosure Statement Relating to Plan of Reorganization by Supra Telecommunications And Information Systems, Inc. (collectively, the "Agreement"), Supra agreed not to challenge any promotional tariffs in effect for 2005 that are identical to the three (3) promotional tariffs (i.e. Tariff No. T-031379 (\$100 Cash Back Offer), Tariff No. T-031380 (\$25 Gift Card Promotion), and Tariff No. T-031381 (Line Installation Waiver Charge) that Supra challenged before the Florida Public Service Commission in Docket No. 040353-TP (the "Preferred Pack Claim") until after September 18, 2005;
- B. As a result, Supra is required to file an Amended Petition with the Florida Public Service Commission to delete any reference to any identical successor tariff for each of the three



(3) promotional tariffs challenged in Docket No. 040353-TP (i.e. Tariff No. T-04-1223 and

Tariff No. T-04-1224);

C. Supra is further prohibited from using the dollar values associated with the

identical successor promotional tariffs that it currently cannot challenge in any proceeding at the

Florida Public Service Commission until after September 18, 2005. Notwithstanding, Supra may

refer to similar or identical dollar values to the extent such are contained in any other BellSouth

promotional tariffs which Supra is not prohibited from challenging;

D. The Agreement does not prohibit Supra from challenging any BellSouth

promotional tariffs which are not identical to those promotional tariffs that were challenged in

Docket No. 404353-TP;

E. Supra's claim that BellSouth's promotional tariffs and discounted offerings

should be made available to Supra for resale is not barred by the Agreement.

ORDERED in the Southern District of Florida, this $\frac{1676}{2}$ day of July 2005.

ROBERT A. MARK

Chief Judge, United States Bankruptcy Court

Copies to:

Steven B. Chaiken, Esq.

(Attorney Chaiken is directed to mail a copy of this order to all interested parties immediately upon receipt.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Supra Telecommunication	ons)	
and Information Systems, Inc. to Review)	Docket No. 050387-TP
BellSouth Promotional Tariffs.)	Filed: July 21, 2005
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FIRST AMENDED PETITION OF SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC., TO REVIEW BELLSOUTH PROMOTIONAL TARIFFS

Supra Telecommunications and Information Systems, Inc. ("Supra"), by and through its undersigned counsel, hereby files this First Amended Petition with the Florida Public Service Commission ("Commission") pursuant to Florida Statutes §§364.01, 364.08, 365.051, 364.059 and 364.285, and requests that this Commission immediately review and suspend specific promotional tariff offerings of BellSouth Telecommunications Inc., ("BellSouth") which offer monetary inducements to customers (including cash back) that amount to several months of telephone service below cost, in violation of the Florida Statutes. Upon this Commission's review of BellSouth's tariffed offerings, Supra requests this Commission issue an order canceling BellSouth's offerings or requiring that BellSouth allow Supra to receive the same monetary inducements from BellSouth when Supra resells the identical service offerings which qualify for the promotional benefits, and for such other relief that the Commission deems appropriate. In support thereof, Supra states as follows:

Supra suggests that this Docket provides the Commission an opportunity to comply with Florida Statutes \$364.059(2) and 364.3381(3) and thereby establish a rule adoption proceeding to create an objective benchmark, such as a price or cost floor, by which the Commission may determine whether a requested stay of a basic local telecommunications service price reduction is warranted.



1. Supra is a competitive local exchange carrier ("CLEC") certificated by the Commission to provide telecommunications services within the State of Florida. Petitioner's name, address and telephone number is as follows:

Supra Telecommunications and Information Systems, Inc. 2901 S.W. 149th Avenue, Suite 300, Miramar, Florida 33027 (786) 455-4200

2. The Petitioner's representative's name, address and telephone number is:

Brian Chaiken, Esq.
Legal Department
Supra Telecommunications and Information Systems, Inc.
2901 S.W. 149th Avenue, Suite 300,
Miramar, Florida 33027
(786) 455-4248
Facsimile: (786) 455-4600

3. BellSouth is a corporation organized and formed under the laws of the state of Georgia, with its principal office at 675 West Peachtree Street, Atlanta, Georgia, 30375. BellSouth is an Incumbent Local Exchange Carrier ("ILEC") certificated by this Commission to provide local exchange telecommunications services in the state of Florida. BellSouth's address in the State of Florida for service of process is:

Nancy B. White, General Counsel c/o Nancy H. Sims, Director of Regulatory Affairs BellSouth Telecommunications, Inc. 150 South Monroe Street, Suite 400 Tallahassee, Florida 32301

BACKGROUND

4. BellSouth is the dominant provider of local telecommunications service in the state of Florida. According to this Commission's December 2004 Annual Report On Competition,

BellSouth's market share for local voice telephone service has risen to approximately 5.4 million access lines (as proffered by BellSouth as of June 30, 2004). Even by conservative estimates, BellSouth is by far the single most dominant provider of local telephone service in the state of Florida.

- 5. BellSouth has abused its power as the dominant provider of telecommunications services by using monetary inducement promotional strategies and anticompetitive pricing programs to exclusively target customers that have switched to CLECs. BellSouth has used, and is aggressively continuing to use, its dominant market status to frustrate competition in the local voice market, thereby causing substantial and irreparable harm to Florida's CLECs and ultimately Florida's consumers.
- 6. In its current campaigns, BellSouth has embarked on a wave of "monetary inducement" promotional offerings. (Composite Exhibits A-F)² Each of these promotional campaigns have at least three factors in common: (1) they exclusively target residential customers that have migrated to a CLEC; (2) the reacquired customers must have new service connected at the same address (and in some cases, using the same name); and (3) they offer some form of a monetary inducement to the returning customer (i.e. \$100.00), thereby discounting the price of BellSouth's associated offerings, without allowing a CLEC to resell and take advantage of the discounted price.

Current BellSouth "monetary inducement" promotional offerings: Exhibit A, Tariff Filing No. T-05-0187, Effective from March 24, 2005 through December 31, 2005; Exhibit B, Tariff Filing No. T-04-1265, Effective from May 15, 2005 through December 31, 2005; Exhibit C, Tariff Filing No. T-04-1264, Effective from July 15, 2005 through December 31, 2005; Exhibit D, Tariff Filing No. T-05-0028, Effective from February 1, 2005 through December 31, 2005; Exhibit E, Tariff Filing No. T-04-1292, Effective from January 9, 2005 through December 31, 2005; Exhibit F, Tariff Filing No. T-04-0123, Effective from February 12, 2004.

7. Like BellSouth's previous winback tariffs (See Complaint of FDN against BellSouth in Docket No. 020119-TP and the Complaint of Arrow Communications against BellSouth in Docket No. 990043-TP), these promotional campaigns contain many of the same problems that have previously been found unacceptable by this Commission. BellSouth's current offerings violate both Section 364.051(5)(c) and 364.3381 of the Florida Statutes, which require BellSouth to price its services above direct cost. Further compounding the extent of the anticompetitive nature of these low-ball offerings, BellSouth refuses to allow Supra (and most likely all CLECs) to resell these promotional offerings (inclusive of the monetary inducements) in violation of 47 USCA § 251(c)(4), thereby ensuring that Supra is unable to match the severely discounted services being offered by BellSouth.

FACTUAL ALLEGATIONS

The BellSouth Base Product Offerings

- 8. BellSouth offers its various monetary inducement promotions in connection with two of its base offerings: Complete Choice and Preferred Pack service plans.
 - (1) The Complete Choice³ service plan includes the following:
 - A flat rate access line w/ Touch Tone capability
 - Free Unlimited Local Calling
 - Unlimited use of most prominent features
 - RingMaster Service

BellSouth's Complete Choice Service, Section A3.4.3; General Subscriber Service Tariff, Thirteenth Revised Page 24, Effective: February 15, 2005 (See Exhibit G).

BellSouth charges its retail end-users \$30.00 for an individual Complete Choice line. In addition, BellSouth charges \$6.50 for its End User Common Line Charge, for total revenue of \$36.50.

- (2) The Preferred Pack⁴ service plan includes the following:
 - A flat rate per access line with Touch-Tone capability;
 - Unlimited use of these popular features: Call Waiting Deluxe, Three way calling,
 Call Forwarding Don't Answer
 - Caller ID-Deluxe
 - Voicemail Companion Services Package at no additional charge when Voicemail/Memory Call service is requested (Call forwarding busy line, Call Forwarding Don't Answer-Ring Control, Star 98 and MWI)
 - Privacy Director

BellSouth charges its retail end-users \$26.95 for an individual Preferred Pack line. In addition, BellSouth charges \$6.50 for its End User Common Line Charge, for total revenue of \$33.45.

9. By way of comparison, in order for Supra to replicate BellSouth's PrefferedPack Plan, the total recurring, and average usage and non-recurring costs⁵, together with a statewide weighted average loop cost calculated based upon the actual distribution of all Supra UNE-P customers, totals \$28.14 at FPSC-ordered TELRIC rates. Of course, as the FCC has recently determined that BellSouth need not offer mass market switching under Section 251 of the

For services billed as UNE-P, retail, resale as available.

BellSouth's Complete Choice Service, Section A3.4.6; General Subscriber Service Tariff, Second Revised Page 26.1, Effective: January 9, 2004 (See Exhibit H).

Telecommunications Act, these prices have already gone up. Absent Commission intervention forcing BellSouth to comply with its obligations under Section 271 of the Telecom Act, and based on BellSouth's most recent commercial offerings, the prices for local switching alone will go up by as much as \$7.00 on a recurring basis, and by as much as \$13.00 on a non-recurring basis. This means Supra's direct cost of goods sold to provide identical services is \$35.14, for a product that BellSouth makes available to its end-users at \$33.45.

The BellSouth Promotional Offerings

- 10. BellSouth now has several categories of promotional tariff offerings, used both individually and in combination, to provide discounts to its base service offerings. These categories include:
 - Cash Back promotions,
 - Gift Cards promotions,
 - Coupons promotions, and
 - Discounted Service promotions.

BellSouth uses these categories in different combinations, and, often, allows combinations designed to increase the discounts offered only to CLEC customers on the underlying base service offerings.

11. The Cash Back promotional offering category:

The Cash Back promotional offerings category includes the \$100 Cash Back or \$100 Visa Gift Card (Exhibit A), which is in effect from March 24, 2005 through December 31, 2005 (collectively referred to as "\$100 CASH" tariffs). A CLEC customer that purchases Complete

Choice Family Plan or PreferedPack Plan is eligible to receive \$100.00 for switching back to BellSouth.

12. The Gift Cards promotional offering category:

The Gift Cards promotional offering category includes the Shoppers Cash Back (\$50 Cash Back or up to \$50 in merchandise) for Complete Choice or PreferredPack Plans (Exhibit B), which is in effect from May 15, 2005 through December 31, 2005, and the Single Family Dwellings (SFD) Gift Card Offer (includes a coupon for a gift card valued at \$50) (Exhibit C), which is in effect from July 15, 2005 through December 31, 2005 (collectively referred to as "GIFT CARD" tariffs).

13. The Coupons promotional offering category:

The Coupons promotional offering category includes the BellSouth Reacquisition 1FR Offer, (Exhibit D), which is in effect from February 1, 2005 through December 31, 2005. This promotional offering includes a Basic Line service, two features and a long distance plan from BellSouth Long Distance. Eligible customers who subscribe to a long distance plan will receive a coupon redeemable for up to \$50.00 cash back. (hereinafter referred to as "BELLSOUTH 1FR" Tariff).

14. The Discounted Service promotional offering category:

The Discounted Service promotional offering category includes the \$5 monthly discount from BellSouth's local service offering (Exhibit E), which is in effect from January 9, 2005 through December 31, 2005 (hereinafter referred to as "\$5 DISCOUNT" Tariff).

With this offering, the CLEC customer must either subscribe to the Complete Choice Plan or the PreferredPack Plan, and also must subscribe to the BellSouth Long Distance Service Plan for \$1.00 a month (Exhibit F).

- 15. Most of these promotional offerings state "the offer may be combined with other promotional offers for the same service." Today, prospective customers could realize monetary inducements in excess of \$105.00 by combining these BellSouth's promotions (i.e. \$100.00 cash back, plus \$5.00 discount off the base service plan).
- 16. BellSouth's combination of these promotions with its current pricing of \$30.00 for Complete Choice and \$26.95 for Preferred Pack has the effect of ensuring that BellSouth does not recover its costs for providing telephone service to the consumer unless the consumer stays with BellSouth in excess of thirty (30) months. These promotions are violative of §\$364.08, 364.051(5)(c) and 364.3381 Florida Statutes as they are priced below cost and therefore tantamount to BellSouth giving away free telecommunications service to a given class of customers (i.e. CLEC customers).

The Law

17. Florida Statutes Chapter 364.01(4)(i) provides that the Commission shall "Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies." (Emphasis added). The FPSC has been empowered to put together the necessary climate that will foster local competition in the telecommunications marketplace in Florida. By any measuring device imaginable, BellSouth is still the dominant provider of local telecommunications services in the state of Florida, particularly in the residential marketplace. Therefore, it is imperative that this Commission address the substantial

See Exhibits A-E.

efforts that BellSouth has taken to under-cut competitive rates in the Florida residential telecommunications market. Florida Statute Section 364.3381 provides, in pertinent part:

- (1) The price of a nonbasic telecommunications service provided by a local exchange telecommunications company shall not be below its cost by use of subsidization from rates paid by customers of basic services. . . .
- (3) The commission shall have continuing oversight jurisdiction over cross-subsidization, predatory pricing, or other similar anticompetitive behavior and may investigate, upon complaint or on its own motion, allegations of such practices.

Furthermore, Section 364.059(1)(a) Florida Statutes, provides:

Any petition filed by a substantially interested party against a local exchange telecommunications company seeking a stay of the effective date of a price reduction for a basic local telecommunications service, alleging an anticompetitive price reduction pursuant to s. 364.051(5), s. 364.08, s. 364.09, s. 364.10, or s. 364.3381, shall be resolved by the commission pursuant to this section and by an order issued within 45 days after the date the petition is filed.

The Commission has Jurisdiction to Prevent Anti-Competitive Offerings pursuant to Florida Statutes § Section 364.01

18. Recognizing BellSouth's historically embedded advantage as the dominant provider of local telecommunications services, the Florida legislature has tried to create a level playing field by passing laws preventing BellSouth from abusing its market power and giving CLECs an opportunity to compete in the local telecommunications market. Section 364.3381(3) prohibits BellSouth from any type of marketing or pricing that could be deemed anti-competitive.⁸

Specifically, Section 364.3381(3) reads "The commission shall have <u>continuing oversight jurisdiction over</u> cross-subsidization, <u>predatory pricing</u>, or other <u>similar anticompetitive behavior</u> and may investigate, upon complaint or on its own motion, allegations of such practices." (Emphasis added).

Specifically, section 364.01(4)(g) states that the Commission shall exercise its exclusive jurisdiction in order to:

ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

BellSouth's promotional tariffs are anticompetitive offerings which are causing irreparable financial and economic harm to its CLEC competitors.

- 19. In Docket No. 990043-TP (Petition to review and cancel BellSouth Telecommunications, Inc.'s promotional tariff (T-98-1783) by Arrow Communications), ("Arrow Docket") the Commission voted to suspend BellSouth's tariff pending resolution of the petition. The Commission found (as noted on its February 2, 1999 Vote Sheet) that Arrow's Petition demonstrates that the alleged anticompetitive or discriminatory effect of the tariff will cause significant harm that cannot be adequately redressed if the tariff is ultimately determined to be invalid. Such harm includes financial or economic harm to competing telecommunications providers.
- 20. Furthermore, BellSouth has repeatedly argued that this Commission's TELRIC UNE pricing has compelled BellSouth to sell its services to CLECs below cost. The packaging of these promotions demonstrates that one of two scenarios must be true: either (1) BellSouth's arguments regarding TELRIC UNE pricing being below cost are untrue or (2) BellSouth's residential service as offered is below cost and therefore anti-competitive.
- 21. True competitive service offerings are priced above cost and are sustainable over a long period of time. Services that are sold below cost are intended to unfairly steal market share and harm competitors. Inasmuch as BellSouth has not provided any evidence regarding how it will,

at a minimum, break even on its local service offerings with the promotional tariffs, BellSouth's true intent in offering its promotional tariffs is not to offer a great plan to Florida consumers, but rather to thwart competition in the local telecommunications market and return BellSouth's dominant market position to its previous monopoly status. Because of BellSouth's large local market share and revenue base, it has the financial wherewithal to withstand any short-term revenue losses on these customers. Once BellSouth is successful in driving CLEC competitors out of the local market through its anticompetitive pricing, BellSouth can then raise the rates of its local services to recoup its losses.

- 22. Supra and other CLECs are suffering irreparable competitive harm caused by BellSouth's promotional tariffs. These promotional tariffs, when combined with the low prices BellSouth offers on its base products (Complete Choice and Preferred Pack) do not cover BellSouth's direct relevant cost and are anticompetitive.
- 23. As noted in <u>Arrow v. BellSouth</u> and in <u>FDN v. BellSouth</u>, CLECs, such as Supra, compete with BellSouth largely on the basis of price. BellSouth's promotional tariffs offer select (i.e. CLEC) customers a combination of monetary inducements that are priced to undercut the prices Supra can profitably offer a customer. Florida CLECs cannot compete with BellSouth's monetary inducements (approximately \$105.00) targeted exclusively to CLEC customers.
- 24. The Commission needs to review the cost basis for the promotional tariffs. and should halt (at least temporarily) any pricing conduct that is below cost or that appears anticompetitive. BellSouth's promotional tariffs undercut the prices Supra is able to offer and still remain profitable, and Supra has already and will continue to lose market share due to BellSouth's anti-

competitive offerings. The harm that Supra has suffered and will continue to suffer from BellSouth's promotional tariffs cannot be undone. That harm has been constant, frequent, and continuous in character. More troubling is the fact that BellSouth's promotional tariffs directly harm Florida's consumers. As competitors are eliminated as a result of these BellSouth's promotional tariffs, consumers will have fewer competitive choices. As consumers have fewer competitive choices, prices will rise.

25. BellSouth would not be unduly prejudiced by suspension or postponement of its promotional tariffs in question. In balancing the interests of BellSouth, Supra and all CLECs, the irreparable harm Supra and all other CLECs will suffer clearly outweighs any possible disadvantage to BellSouth from delayed implementation of the monetary inducement promotional tariffs described above.

BellSouth Sells Services Below its Direct Costs in Violation of Florida Statutes § 364.3381, and 364.051

- 26. BellSouth's promotional tariffs, combined with its Complete Choice and Preferred Pack service offerings, are violative of §364.3381, Florida Statues, which provides, in pertinent part:
 - (1) The price of a nonbasic telecommunications service provided by a local exchange telecommunications company shall not be below its cost by use of subsidization from rates paid by customers of basic services.
 - (2) A local exchange telecommunications company which offers both basic and nonbasic telecommunications services shall establish prices for such services that ensure that nonbasic telecommunications services are not subsidized by basic telecommunications services. The cost standard for determining cross-subsidization is whether the total revenue from a nonbasic service is less than the

This is especially so in light of BellSouth's actions in response to recent regulatory decisions limiting CLECs' access to various Section 251 UNEs.

total long-run incremental cost of the service. Total long-run incremental cost means service-specific volume and nonvolume sensitive costs.

Furthermore, §364.051(5)(c), Florida Statutes, provides that the "price charged to a consumer for a non-basic service shall cover the direct costs of providing the service . . ."

- 27. In the aggregate, the total monetary inducement to the customer is approximately \$145.88, and has the potential to be even greater.¹⁰
- 28. BellSouth's currently tariffed retail rates for the PreferredPack and Complete Choice Plans for a single residence line are \$26.95 and \$30.00 monthly, respectively. At these rates, combined with the various promotions, a prospective customer would have to stay with BellSouth for at least 30 months before BellSouth begins to generate any net revenue from the former CLEC customer. Significantly, BellSouth's promotional offerings do not require eligible customers to stay with BellSouth for such a long period of time.
- 29. Tellingly, BellSouth's monetary inducement promotional tariffs combined with the already low price of the underlying base products, undercut the very same costs of provisioning the same services and/or elements to Supra.
- 30. This Commission has stated the following: "Section 364.051(5)(c), Florida Statutes, examines direct costs, and we believe an examination of direct cost is needed to make a determination of whether the post-discounted rates offered . . . remain "compensatory" for BellSouth." See Order No. PSC-03-0726-FOF-TP, at 21. "If a determination revealed that the

Both the \$100 and the \$100 Visa Card promotional offerings provide that the "offer may be combined with cash back offers or other promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prohibit the combination of the promotion with other promotions, at the Company's sole discretion)." (See Exhibit A).

(sic) such rates were "non-compensatory," such a finding would sway us to conclude that the tariff offerings are unfair, anticompetitive, or discriminatory." <u>Id</u>. at 22.

BellSouth Refuses to Allow Supra to Resell its Promotions in Violation of 47 USCA §251

- 31. The Telecommunications Act of 1996 ("TA 96"), §251(c)(4) and FCC Rules (47 C.F.R. §51.601 through 51.620) outline BellSouth's obligations with respect to making its promotional and discounted offerings available for resale. Sections 47 USC §251(c)(4) of TA 96 provide that the incumbent LECs are:
 - (A) to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carrier; and
 - (B) not to prohibit, and to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications services, ...

Specifically, in FCC 96-325, the FCC concluded that:

Section 251(c)(4) provides that incumbent LECs must offer for resale at wholesale rates "any telecommunications service" that the carriers provides at retail to noncarrier subscribers. This language makes no exception for promotional or discounted offerings, including contract and other customer-specific offerings. We therefore conclude that no basis exists for creating a general exemption from the wholesale requirement for all promotional or discount service offerings made by incumbent LECs. A contrary result would permit incumbent LECs to avoid the statutory resale obligation by shifting their customers to nonstandard offerings, thereby eviscerating the resale provisions of the 1996 Act. (FCC 96-325, ¶948) (Emphasis added.)

32. It is undisputed that BellSouth has an obligation to make available for resale its promotional and discounted offerings that run for more than 90 days. Nevertheless, BellSouth refuses to make the promotions listed herein available to Supra for resale.

- 33. Resale is one of the entry strategies that Congress envisioned as a viable method through which CLECs could gain entry into the monopoly local telecommunications marketplace hence, the TA 96 requires that BellSouth shall not prohibit or impose unreasonable or discriminatory conditions or limitations on the resale of such promotional offerings whereby CLECs' ability to resale such monopoly telecommunications services are impacted.
- 34. The FCC re-emphasized the importance of resale as a method of entry when it promulgated Rules 51.601 through 51.0617: Resale obligation of all local exchange carriers. In FCC 96-325, concluded that

Promotional offerings greater than 90 days in duration must be offered for resale at wholesale rates pursuant to section 251(c)(4)(A). . . . In addition, an incumbent LEC may not use promotional offerings to evade the wholesale obligation, . . . (FCC 96-325, ¶950) (Emphasis added.)

In § 51.613(2) (ii), the FCC mandated that ILECs avail promotions that provide discounted rates when:

The incumbent LEC does not use such promotional offerings to evade the wholesale rate obligation, for example by making available a sequential series of 90-day promotional rates.

Nowhere in any of these provisions does there exist an exception allowing an ILEC to prevent or restrict monetary inducements from being available for resale. To the contrary, the FCC expressed that "We are concerned that conditions that attach to promotions and discounts could be used to avoid the resale obligation to the detriment of competition." 11

FCC 96-325, ¶952.

- 35. In light of the fact that one of the three methods of providing telecommunications services (i.e. via unbundled network elements under Section 251 of the Act) is now gone, the resale method of providing service is now more important to CLECs than ever.
- 36. It is because of these provisions (and BellSouth's effort to obviate such) that the North Carolina Utilities Commission has enacted rules (Docket No. P-100, SUB 72b, Order issued on December 22, 2004l (See Exhibit J) that are intended to govern BellSouth's promotional tariff offerings in the State of North Carolina. The Indiana Utility Regulatory Commission is undertaking a similar effort in Case No. 42530.
- 37. BellSouth designed the referenced promotions with the simple goal of by-passing regulatory requirements that otherwise prohibit BellSouth from offering such "effective price" discounts to CLEC customers. The rationale is simple: while a direct price reduction to the effective tariff rate would impact the wholesale discount rate, a cash rebate and/or other traditional marketing tactics might pass approval without stringent scrutiny and therefore could be utilized to obviate a Commission finding that such approaches are tantamount to discounting of the effective tariff rate of the service(s) being offered. This is the same conclusion that the North Carolina Utilities Commission reached when it ruled that:

The FCC clearly stated that any other conclusion would allow ILECs routinely to create promotions or nonstandard offerings just to avoid their resale obligation. The FCC was concerned that ILEC promotions could become de facto standard offerings that would not be made available to resellers and would therefore undercut the duty to resell retail services to resellers at wholesale rates.¹²

North Carolina Order, Docket No. P-100, SUB 72b, at 9.

Supra's First Amended Petition Seeking Review of BellSouth's Promotional Tariffs

38. The reality is that BellSouth's promotions provide economic value to customers. This is the conclusion reached by the North Carolina Utilities Commission:

The Commission is persuaded that anything of economic value paid, given, or offered to a customer to promote or induce purchase of a bundled service offering of both regulated and nonregulated telecommunications services is a promotional discount.¹³

The North Carolina Utilities Commission further ruled that:

The customer does not receive this savings or value unless he purchases the specified bundle associated with the promotion. Thus, because the savings or benefit is received only in exchange for the purchase of the bundle, the bundle is in effect discounted to the customer by the amount of the monetary benefit or thing of value provided in return.¹⁴

39. Even if not used to directly pay off BellSouth's telecommunications bills, the reality is that the monetary savings resulting from these inducements effectively off-sets other monetary obligation(s) of the end-users. Again, this is the same conclusion that the North Carolina Commission reached when it stated, "while these promotions do provide a savings and therefore a type of discount to subscribers, they do not in fact lower the charge to the subscribers for the regulated services purchased...", and "the promotion reduces the subscriber's cost for the service by the value received in the form of a gift card or other giveaway." ¹⁵

40. Therefore, these promotional inducements should be construed to be direct telecommunications services as per Chapter 364.02(12)¹⁶ or at a minimum, derivative telecommunications services. This Commission reached a similar conclusion when it found that

^{13 &}lt;u>Id</u>, at pg. 3.

North Carolina Order, at 3.

North Carolina Order at 12, and 11.

BellSouth's Late Payment Charge was a telecommunications "service" in Order No. PSC-01-1769-FOF-TL, Docket No. 000733-TL. These inducements can indeed be characterized as derivative telecommunications services following their importance and inclusion as integral parts of BellSouth's marketing scheme, not because they have a transmission capacity in and of themselves, but simply because BellSouth relies on these inducements to build, enhance, and sustain its market share.

WHEREFORE, Supra respectfully requests that this Commission:

- (1) Review and cancel BellSouth's promotional inducement tariffs immediately or, in the alternative, order BellSouth to allow Supra to collect on these inducements when it resells these same underlying services;
- (2) Alternatively, grant Supra a hearing within 45 days pursuant to Section 364.059(1)(a) Florida Statutes; and
- (3) Initiate an investigation of BellSouth's promotional pricing and marketing practices; and
 - (4) Grant such other relief as deemed appropriate.

[&]quot;Service" is to be construed in its broadest and most inclusive sense.

We find that BellSouth's interest charge is a "service" that BellSouth renders to its delinquent telecommunications customers. We believe that **through the use of its interest charge**, BellSouth is able to keep these delinquent customers as telecommunications subscribers. The alternative is for BellSouth to terminate the accounts of all delinquent customers. We find that the <u>interest charge is a "service" BellSouth renders its delinquent customers for carrying their unpaid balances.</u> In turn, BellSouth uses the realized revenues to offset the loss of use of the unpaid monies. Order No. PSC-01-1769-FOF-TL, Issued: August 30, 2001in Docket No. 000733-TL (pages 9 and 10) (Emphasis added.)

Supra's First Amended Petition Seeking Review of BellSouth's Promotional Tariffs

Respectfully submitted this 21st day of July 2005.

SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC. 2901 S.W. 149th Avenue, Suite 300, Miramar, Florida 33027

Telephone: (786) 455-4248 Facsimile: (786) 455-4600

Bv:

BRIAN CHAIKEN STEVEN CHAIKEN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was delivered by U.S. Mail to the persons listed below this 21st day of July 2005.

Ms. Nancy White c/o Nancy Sims BellSouth Telecommunications, Inc. 150 S. Monroe Street Suite 400 Tallahassee, FL 32301

Ms. Beth Keating Legal Division Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

James Meza
BellSouth Telecommunications, Inc.
675 West Peachtree Street, N.W.
Suite 4300
Atlanta, GA 30375

Ву:		
•	STEVEN CHAIKEN	

BellSouth Telecommunications inc 150 South Monage Street 5x494 400 Talleheasae Piorita 32301

Marshall W. Crimer A Jose President Requisitory & Extients Affairs

marshall preenfacts (2011) por

850 224-7796 Fax (850) 224-5073

March 9, 2005

Beth Salak, Director Competitive Markets and Enforcement Attn: Tariff Section 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Dear Ms. Salak:

Pursuant to Florida Statute 364 051, we are filing revisions to our General Subscriber Service Tariff. Attached for filing with the Commission are the following tartificages:

General Subscriber Service Tarrif

- Section A2 Second Revised Page 32.1
 - Second Revised Page 32.2
 - Twenty Severati Revised Page 33
 - Third Revised Page 35.6.8
 - Second Revised Page 35.6.9

These revisions add a gift card option to the \$100 Cash Back Offer. Attachment A contains an Executive Summary of the program.

Acknowledgment, date of receipt and authority number of this filing are requested.

richall M. Criscottans

Regulatory Vice President

Attachments

BerSouth Telecommunications - Pi**crida** Attachment A Page 1 of 1

Fromotion Description

\$100 Cash Back or Gift Card Offer

Overview

The \$100 Cash Back Offer promotion began on December 27, 2004, and is scheduled to end on December 26, 2005. That promotion will be terminated early on March 23, 2005, and will be replaced by the \$100 Cash Back or Gift Card Offer. The \$100 Cash Back or Gift Card Offer promotion is scheduled to begin on March 24, 2005, and end on December 31, 2005. Services included in this promotion are:

- BeilSouth* Complete Choice* plan (single or multiple lines)
- BellSouth* Area Plus* with Complete Choice* plan (single or multiple lines).
- BellSouth® PreferredPack® plan

Promotion Specifics

Customers returning to Bell South and purchasing a qualifying local service product will be eligible to receive either \$100 cash back or a \$100 Visa* gift card.

Restrictions/Eigibility Requirements

- Customer must have at least one wire line local service or equivalent (wheless in field of wire line) with a provider other than BellSouth at a local service address within BellSouth territory. A new service qualifying for this promotion must be provisioned as a replacement for the existing wire line or equivalent service.
- Customer must request the qualifying service at the same address and in the same name as the
 existing service, unless customer is planning an imminent move from one address in BellSouth
 territory to another address in BellSouth territory within 30 days of responding to the offer. In the case
 of an imminent move, BellSouth can offer the customer the promotion and place the order at the new
 address.
- Customer must have not had local service with BellSouth for at least ten (10) days prior to the new service connection date to be eligible.
- Customer must switch their local service to BellSouth and purchase any one of the following.
 Complete Choice plan, Complete Choice Two-Line Plan package, Complete Choice Three-Line Plan package, Area Plus with Complete Choice plan, Area Plus with Complete Choice Two-Line Plan package, Area Plus with Complete Choice Three-Line Plan package, or PreferredPack plan.
- Customer must place the order on or before December 31, 2005.
- Offer valid for only one (1) service line per local service address.
- Customer must piace the order through a BellSouth business office or outbound telemarketing vendor or alternate channel.
- Customer must complete and mail a rebate coupon to a specified address by the data specified on the coupon in order to receive either the \$100 cash back or gft card.
- After customer completes the above requirements, helsho will receive either the \$100 cash back or gift card. If customer cancels or discontinues the qualifying service prior to fulfillment, helshe will be ineligible for the cash back or gift card offer.
- BellSouth reserves the right to discontinue or modify this promotion at any time without customer notice.
- Customer must have the eligible services on their new service (N) order to receive the promotional
 offer.
- Customer may not receive both the \$100 cash back and the \$100 gift card. If customer does not succify which reward he/she prefers, customer will receive the \$100 cash back.
- Offer may be combined with cash back offers or other promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prombit the combination of this promotion with any other promotion, at the Company's sole discretion.

All SellSouth marks contained hatein are owned by SellSouth intellectual Property Corporation. Visa is a reastleted toldermark of Visa International Service Association.

BELLSOUTH TELECOMMORIC * TIGHS, D.C. FLOREDA

Miami Florida

ISSUED: December 14, 3444 August - 2355 RY: Joseph P. Lauber, Presiden VI -disers. Gu**esca d'un ser**veu**e t**erop

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AZ. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

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AZ. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.14.2 Descriptions (Coat'd)

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AJ. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A1.18.1 Descriptions (Conf.d)

A. The following promotions are approved by the Oscomission: (Cont/):

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		specified Schoolses		
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		resident to the country services in their entities apparent to receive a recommendation		
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		the Company restores the right in protects the combination of this promotion with any		
		other promotion at the Community's soile discretion.		
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A2 GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cost'd)

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		- Sections reaches the right to modely this promotes at any time following any		

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First Section Revised Page 35.6.9 Careers Supplied First Revised Page 35.6.9

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AZ GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

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	Althor Segres July 11, 2004 and code December 21, 2005		(C)
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	—To reduce the couper, the controller must first establish service with Bell-South via unifor switching that or designated BN number or by contacting a Bell-South representative in a Bell-South call center. After establishing service, the mailtened worst error their arm telephone number onto their coupers before reducining.		
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AZ GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.19.3 Descriptions (Cost d)

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AZ. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

A. The following promotions are to the will the Completions (Cont.)

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, a		come may report by which arranged brings between programmer and arranged by \$100 years back		

BELLS60/48 TELECOMONION / TICHS, ENC FLORUGE ISCED March 1 2005 RY Joseph F. Lecher President All Mismi Flancz

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AZ GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

All 0.1 Descriptions (Cont.)

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		Existing markdown continues who contain belification to downgendo or discontinue that are one will be affected a coupon recommende for up to \$50 Cash Back or up to \$50 in continued to they spring to discrete their persons of a level that seeither the critical specified following.	
		Restructions and Eligibility Criterie	
		- This Cash back offer is limited to marketing contained without to or ordering our of the following working:	
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A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont°c)

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Miare, Floria

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EFFECTIVE, March 24, 2005

AZ GENERAL REGULATIONS

A2.10 Special Fromotions (Cont'd)

Al. IE. Descriptions (Cont'd)

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Bollsouth Telecommunications, No. 100 South Months Street South 400 Tellecommunication of South 400

Marchall M. Chact 76
Viol-President
Pepulatory & Essente (Affect)

(850) 204-7799 Feb (850) 224-5078

December 17, 2004

Beth Salak, Cirector Competitive Markets and Enforcement Attn: Tanff Section 2540 Shumard Oak Boulevard Tallahassee, Florida 22399-0850

Dear Ms. Salaki

Pursuant to Florida Statute 364 051, we are filing revisions to our General Subscriber Service Tanff. Attached for filing with the Commission is the following taniff page:

General Subscriber Service Terriff

Section A2 - Twenty Sixth Revised Page 33

These revisions extend the Shoppers Cash Back promotion. Attachment A contains an Executive Summary of the program.

Acknowledgment, date of receipt and authority number of this filing are requested.

Yours very truly.

Regulatory Vice President

Attachments

BeiSour Telecoromanications - Florida Attacoment à Page 1 of 1

Promotion Description

Shoppers Cash Back Extension

Overview

The Shoopers Cash Back promotion began May 15, 2004, and was scheduled to end December 31, 2004. The Company will extend the end date of this promotion until December 31, 2005.

Promotion Specifics

New or existing customers who contact BeliSouth and request information on local service or bundle prices for companison with competitive offers and indicate a reluctance to piece an order during the call will be offered a coupon redeemable for up to \$50 Cash Back or up to \$50 in merchandise as an incentive to close the sale.

Existing customers who contact BellSouth to downgrade or disconnect their service will be offered a coupon redeemable for up to \$50 Cash Back or up to \$50 in merchandise if they agree to extend their service at a level that satisfies the criteria specified below.

Restrictions/Eligibility Requirements

- 1. This Cash Back offer is imited to customers subscribing to or ordering one of the following services:
 - a the PreferredPack® blain.
 - b. any of the Complete Choice® plans, or
 - c. flat rate individual line service with at least one vertical teature and at least one of the following services: a SelfSouth* Long Distance plan, a BelfSouth Internet access plan or a Cingular* wireless plan.
- Customer must have the eligible services on their new service order (N) or must maintain their current services on their existing account to receive a redeemable coupon.
- A new customer must clade a qualifying order on or before December 31, 2005
- Offer valid for only one (1) service line at the qualifying local service address.
- 5 The customer must fill out a coupon and mail the coupon to a specified address by a specified date to receive the cash or merchandise.
- 6. If the customer cancels or discontinues the qualifying service prior to fulfillment, they will be ineligible for the cash back offer.
- 7. This offer may be combined with other pash back or promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prohibit the combination of this promotion with any other promotion at the Company's sole discretion.
- This offer cannot be combined with reacculation cash back offers.
- Self-South reserves the right to discontinue or modify this promotion at any time without customer notice.

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AZ. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd):

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A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

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Belisouth Telecommunications, Inc.

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Talkar assett i Florida 32301

TENERAL TRANSPORTATION

Geographica 17, **2004**

Best Satisk, Director Competitive Markets and Enforcement

Arm. Tariff Section

3544 Shureaed Oak Boulevard Talkabassee, Florida 32394-0856

Deser Mr. Salak:

Pursuant to Florida Statute 364.051, enciosed is a package filling for SFD Gtfl Card Offer. The issue and effective dates for this tariff package are December 17, 2004 and Leonary 1, 2005, respectively.

Geseral Subscriber Service Tariff

المستعرف متعدده والمحادث والعدائين المتعدد

Section A2

First Revised Page 35 8 9

Acknowledgment, date of teoriga and authority manifer of this filling are requested. Your consideration and approval will be appreciated.

Yours very buly.

Marshall M. Criser III rurs

Regulatory Vice President

Attachments

Merenail M. Criser III Vice President Regulatory & Exercic Affairs

(#(0)234-7798 Fax 855-334-5073

Promotion Description

SFD Gift Card Offer Extension

Proposed Promotion

Bell South SED Gift Card Offer, which began July 15, 2004 and ends December \$1, 2004, is extended from January 1, 2005 to December 31, 2005. Customers moving into targeted, newly constructed Single Family. Dwellings. Townhomes or Condominiums will receive collateral redeemable for a gift card valued at fifty-dollars (\$50.00). The gift card will not be redeemable for cash.

Promotion Specifics

- Extended from January 1, 2005 to December 31, 2005.
- Targeted at customers who purchase newly constructed SFDs (Single Family Dwellings) in contracted communities.
- Customers receive collateral from the SFD sales offices with instructions to place their order via an online tool or to an 800 number to BellSouth.
- 4. Fo redeem the coupon, the customer mast first establish service with BellSouth via online ordering tool or designated 800 number or by contacting a BellSouth representative in a BellSouth call center. After establishing service, the customer must enter their new telephone number onto their coupon before redeeming.
- Customers establishing service in non-targeted SFD locations may receive a coupon for fulfillment upon demand.

Restrictions/Eligibility Requirements

- Offer available only to customers establishing service (N or T order) in a newly constructed SFD.
- Customers returning to BellSouth must not have had local service with BellSouth at least ten (10) days prior to the new service connection date.
- The customer must place the order on or before December 31, 2005.
- Offer valid for only one (1) service line per local service address.
- Customer is limited to one (1) gift card coopen per twelve (12) month period.
- The customer must place their order through a BellSouth business office or outbound relemarketing vendor or the alternative channel indicated on the direct mail piece or collateral provided.
- Offer may not be combined with Reacquisition \$100 Cash Back offer or Reacquisition \$25 VIP Gift Card or Reacquisition \$25 Visa Gift Card or \$50 Shoppers Cash Back or Service Connection Waiver.
- 8. Offer may be combined with cash back offers or other promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prohibit the combination of these promotions.

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BELLSCOTT TELECOMMUNICATIONS TO

FLONIDA

ISSUED Impact 17, 2013 Fine 19, 366-BY Joseph P. Lectur, Provident III Miante, Flance

A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd):

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A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Conf'd)

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150 Seuch Morres Steff Subs 400 Talususgas Flores (SISC) Marshall M. Criser III
Vice Entersions
Feguration & Exercise Affairs

(#54) 224-7778 Fak (850) 124-5072

January 14, 2004

Beth Salak, Director Competitive Markets and Enforcement Ann. Tarilf Section 2540 Shumard Oak Boulevard Telbahassee, Florida 32399-0850

Dogr Ms Salaki

Enclosed is a package filing to revise the end due for SciiScoth 1FR+2 Free Features Promotion from March 31, 2005 to famourly 31, 2005

Geografi Subscriber Service Tomiff

Section AI

2th Revised Page 35.583

The issue and effective dates for this tariff quiltage are January 14, 2004 and January 31, 2005 respectively.

Acknowledgment, date of receipt and authority purplies of this filing are requested. A duplicate letter of transmitted is attached for this purpose.

Your consideration and approval will be appriceded

Yours very suly.

Regulatory Visit President

Americans



All and the second of the seco

Promotion Description

Pastors

1FR with 2 Features At No Charge for 12 Months Promotion (Extension)

Proposed Promotion

The IFR with 2 Features At No Charge fee 12 Months is extended until January 31, 2005.

Promotion Specifics:

This promotion offers reacquisition or wisover customers who purchase a IFR (local line) from BellSouth and who are not currently using BellSouth for local service, two (2) features at no charge for twelve (12) months.

Restrictions/Eligibility Requirements:

- Customer must either not currently have local service with Beil/South or not have service with Beil/South on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- Customer must have local service or equivalent (wireless in tien of wire-line) at the same local service address on one or more of their existing lines.
- 3. Customer must request service at the same address and in the same name, unless customer is placining an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth rep can offer the customer the promotion and place the order at the new address.
- 4. Customer must have not had local service with BeilSouth at least 10 days prior to the new service connection date.
- 5. The customer most switch their local service to Bell South and purchase Bell South basic service.
- 6. The customer must place the order on or before January 31, 2008.
- 7. Offer valid for early one (1) service line at the intended local service address.
- 8. The customer must place their order through a BellSouth business office or outbound telemarketing vendor or alternate channels as indicated.
- 9. Once the customer completes the above requirements they will receive three local line features without charge for 12 months. If the customer care elser discominees the qualifying service, he will be inclinible for this offer.
- BellSouth reserves the right to discontinue or modify this promotion at any time without customer notice.
- 11. Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
- 12. This provincion may not be combined with the Reacquisition \$160 FR + 1 features Cash Back offer.
- 13. Offer may not be combined with any cash back offers however, this offer may be combined with other promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to probabilit the combination of this promotion with may other promotion, as the Company's safe discretion.

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AV: Joseph B. Lististo President Fil. Mount, Florida

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A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

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A2 GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Heartinthoes (Cont'd)

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the Street Change of the February Comm

(850) 224-7720 754 (850) 224-5072

9ecember 24, 2004

Seth Salak Director

Competitive Markets and Enforcement

Attn: Tariff Section

2540 Shumard Oak Boulevard Taliahassee, Florida 32399-0850

Dear Ms. Salak

Pursuant to Florida Statute 364 051, we are filing revisions to our General Subscriber Service Tariff. Attached for filing with the Commission is the following taciff page:

General Subscriber Service Tariff

Section A2 - Second Revised Page 32.8

These revisions restart a special promotion for Complete Choice* service and the PreferredPack* plan. Attachment A contains an Executive Summary of the program.

Adknowledgment, date of receipt and authority number of this filling are requested

Yours very truly.

Requisitory Vice President

Attacimments

BeilSouth Telecommunications - Finnda. Assorbnen: A Page 1: 21:1

Promotion Descriptor

\$5 Discount for Reacquisition and Winover

Overview

The \$5 Discount for Reacquisition and Winover promotion is scheduled to begin on January 9, 2005 and end on December 31, 2005. Services included in this promotion are the BellSouth* PreferredPack* plan and the BellSouth* Complete Choice* family of plans.

Promotion Specifics

Any potential customer who is currently using someone other than BellSouth for local service and who switches to BellSouth and purchases 1) the BellSouth PreferredPack plan or any product in the BellSouth Complete Choice plan family and 2) any BellSouth Long Distance product other than BellSouth Long Distance Unlimited service will receive a \$5 monthly discount on the PreferredPack plan or the product from the Complete Choice plan family.

Restrictions/Eligibility Requirements

- Customer must either not currently have local service with Bell South or not have service with Bell South on one or more of their existing lines, including the line on which the service qualifying for this promotion will be provisioned.
- Customer must have local service or equivalent (wireless in Yeu of wire-line) at the same local service
 address on one or more of their existing lines.
- 3. Customer must request service at the same address and in the same name, unless customer is planning an imminent move from one address in BellSouth territory to another address in BellSouth territory within 30 days of responding to the offer. In the case of an imminent move, the BellSouth representative can offer the customer the promotion and place the order at the new address.
- Customer must have not had local service with Bell South for at least 10 days prior to the new service connection date
- 5. The customer most switch their local service to Bell South and purphase the following products:
 - a. The PreferredPack plan or a product from the Complete Choice plan family, and
 - b. A BellSouth Long Distance product other than BellSouth Long Distance Unlimited service. A specific long distance plan must be selected. Selecting a BellSouth PIC and I,PIC without selection of a Long Distance plan will not qualify a customer for this discount.
- 6 Customer must have the eligible services on their new service order (N) in order to receive the promotional offer.
- 7. The benefits of this promotion will be extended to existing BellSouth customers who can the BallSouth business office and request this specific offer.
- 5. The customer must place the proer on or before December 31, 2005
- 9. Offer valid for only one (1) service line at the intended local service address.
- The customer must place their order through a Bel/South business office or outbound telemarketing vendor or alternate channel.
- 11. Once the customer completes the above requirements they will receive the SS discount on their monthly bill. If the customer cancels or discontinues one or more of the qualifying services, he will be ineligible for the discount.
- 12. BellSouth reserves the hight to discontinue or modify this promotion at any time without notice
- 13. Offer may be combined with cash back offers or other promotional offers on the same services, as such offers may be concurrently available from time to time, provided that the Company reserves the right to prombibl the combination of this promotion with any other promotion, at the Company's sole discretion. This promotion may not be combined with the Unanited Resocutation Buridle Offer.

Nozand Fuse Revised Page 12.8 Committee Commit

SESECTIVE Assumpty 9, 20043

SELLYOUTH TELECOMOGNICATIONS, IV FLORIDA BSIEI: December 14, 1994

BY: Joseph P. Lacher, Francisco et L

Marci, Flands

A2. GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

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FRITSCHUTH THE ECONOMIC ACT ACTION TO DOT FLORELLA ISSUED, December 24, 1984 BY: Joseph P. Parrier Commission II. Marsi, Floresa

A2, GENERAL REGULATIONS

A2.10 Special Promotions (Cont'd)

A2.10.2 Descriptions (Cont'd)

A. The following promotions are on the with the Commission. All 1879)

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February (f), 2004 Na Overnight Delivery

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Ms. Hoth Salak Director of Compositive Markots Florida Public Service (commission 2540 Shammed Oak Houlevard Tallahassoc, Florida 12594-0870

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11/40/01/04

191 **407 (141-1717)** 192 **407-747-65**(3) 1918-1919 (1919) RE Tariff Revision to Bell South Long Distance, Inc.

Dear Ms. Salaki

Enclosed for filing is the original and three (3) copies of a tar-if revision filed on behalf of BellSouth Long Disables, inc. This filing eliminates the culting card requirement from BellSouth* Dollar and BellSouth* Dollar Value plans. The Company respectfully requests an effective date of February 12, 2004 for this revision.

The following pages are bulleded in this filling

	Change Made
41 " Revised Page 3	Codates Chath Short
13° Revised Page 3	Codatas Check Sheet
1° Revised Page 157.14	Deletes calling card requirement from BellSouth* Dollar plan
In Revised Page 157 15	Debates calling card recoverages from BellSouth* Dollar Value
^*	

Please acknowledge receipt of this filing by date-stamping the event copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose.

Any questions regarding this filing may be directed to my amontion at (40%) 740-8575

Sincerely,

Thomas M. Forte

Consultant to BellScotts Long Distance. Inc.

TMF 2500 Enclosed

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m: F1:0404



SECTION 4.9 - RATES AND CHARGES, (CONTIDU

4.2 Residential Service Offerings. (Cont'd.)

4.2.36 BellSouth Dollar Plan

The BeilSouth* Dollar plan is a direct dialed outloand long distance service offered to residential Customers from switched access lines. Service is offered on a flat rate basis, twenty-four hours per day, seven days per week. Customers must dial I plus the area code, if applicable, and the remainstrag number to complete a call utilizate this service.

(D)

(D)

All calls are billed in one (1) minute increments after an initial period, for billing purposes, of one (1) minute. This service is only offered in conjunction with the corresponding interstate BellSmith* Dollar plan. This service is not offered on an initial. A 1 A only basis.

(A) Rates and Charges

(i) Monthly Recurring Charge

Morthly Charge (per account): *

\$1.00

(2) Per Minute Rate

Per Mittue Charge:

\$0.1006

This charge is the same as fee Montally Recurring Charge identified in the Company's Interstate Residential Services Printing and Service Guide. Only one montally recording charge will apply when both interstate and intrastate service is provided to the Customer.

SECTION 4.0 - RATES AND CHARGES (CONTIDE)

4.2 Residential Service Offerings, (Conf's.)

4.2.37 Bell South Dollar Value Plan

The BellSouth Dollar Value plue is a direct disiod outboand long distance service offered to restorated Unstances from switched access lines. Survice is offered on a list rate basis, twenty-four hours per day, seven days per week. Customers must dial.) plus the area code, if applicable, and the terminating number to complete a cell utilizing this service.

Customers of this plan must subscribe to BeilSouth* Complete Chance* plan, BellSouth* Area Plass* plan or Flat Rate Residential Individual lines. Customers who subscribe to Flat Rate Residential Individual lines must also subscribe to at least two Associated Services listed in Section 3.15 of this tariff. These plans and services are provided by the Company's affiliated incumberational exchange entity. The Customer must also receive billing for each of these services from the Company's affiliated incumbent local exchange entity. Customers who no longer meet the eligibility requirements identified above will be transferred to the HellSouth* Dollar plan without further ressec.

(D)

(D)

All cuils are billed in one (1) minute increments after an initial period, for billing perposes, of one (1) minute. This service is only offered as continuation with the extresponding interstate. Bell South * Dollar Value plan. This service is not offered on an intraLATA only busis.

(A) Rates and Charges

(1) Monthly Recurring Charge

Monthly Charge (per account): *

\$1.40

(2) Per Minute Rate

Per Manue Charge

\$0.1000

* This charge is the same as the Monthly Requiring Charge identified in the Company's Interstate Residential Services Policing and Service Gorde. Cody one monthly recurring charge will apply when both interstate and intrastant periode is provided to the Contonier.

issued: February 17, 27451

Effects et February 12, 2004

SELESCUTU TELECOMMUNICATIONS INC. FLORIDA

ISSUED: Japaney 31, 1985

BY Joseph P. Lander, President Hill Mount Florida

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CENTER SUBSCRIBER SERVICE TARBY

Therecords Reviews Page 24 Cancell Twelfig Reviews Page 24

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A3. BASIC LOCAL EXCHANGE SERVICE

A3.4 Flat Rate Service (Cont'd)

A3.4.2 Monthly Rates (Confd)

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 - 3. The modifiery life is to be used for one way (in which the subscriber) service only.
 - 4. Auxiliary line service that or may not be emarged for rotary, hunding or similar service which allows unexplotten of an incoming null from a line that or called but is in case, by manner of an arrangement of spectral office equipment on a full translature.
 - Auxiliary line service is furnished in a rate for each line equal to the rate applicable for hossiess individual line that rate service for that exchange. Where the lines are arranged for relately, harring or smaller receive, the rolary charge will apply as specified in AAS.
 - a Rates
 - (1) Rate Groups 1-6

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	14)	Par Auction list	\$136.55	\$21.58	\$22.77	\$23.76	\$24.75	\$25.84	7FB
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(3)	Bate	Groups 7-12							
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	1	Protocology Lax	\$26.71	\$27.61	522.43	5.4	\$29.68	\$30.20	?FB
	(5)	Maliniër Tradicat Addes Line	33.95	34.35	39.95	34.95	34.95	36.94	73438

- F. Mobile Service Exchange Charge
 - See Section A37, for Ranse
- F. Ontgoing Only Service
 - 1. See A3.29 the regulatives and raids

A3.4.3 Complete Choice Service

A. General

- Complete Chains service provides the leasures specified following in conjunction with a flat rate across line. The across line includes Touch-Tone capability.
- The rate specified houses entitles a residence subscriber to access all cardways access lines in the subscriber's local calling area is defined in A.1.2.1 of this Tariff.
- The open appended herein asso customs a maidence subscriber to untimited use of the services features specified in the following socious of this Turiff;

**000	
A159	Control Office Services
A13.19	Trutable Services exchalling Calling Number Delivery Blacking Personnels
AUCO	Convenient Code Revolution
A13.34	Sand Control Section
A13.47	Manage Westing Schooling
AHH 15	Charles Castles Calling Services

A subsective may select an utilizated number of completable services or features than the sections listed above. All rules, regulations and landations specified in the sections issued (except as indicated above) apply to the ecoporative services features requested as part of this service. Service absorpts specified in Section A4, of this Turiff do not apply for transactions involving only additions, defending a charges to the services features requested as part of this service.

Note 1: The Melfi-Liu Eviluange Access Like rate applies per lime to subscribers with gave than one envisable access line.

All RellS adjunctes conserved better and as we fort in the training and sension makes additioned the Toronton property in Italiana benderman Property Corporation.

A12 18 J.A. Call Bold and Call Finding only (NCS Sentences do not apply)

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Second Revised Page 26.1 Canods First Revised Page 26.1

EarthCTIVII January 9, 2004

BELLSOCTH
TELECOMMONICATIONS, 200
FLORIDA
ISSUED: December 14, 2003
BY, Asoph P. Lacher, President -P.,
Mierti, Florida

A3. BASIC LOCAL EXCHANGE SERVICE

A3.4 Flat Rate Service (Cont'd)

\3.4	5 ()1	ational Paymer	nt Plans for Made-L	ica Flat Kate Ser	vice (Obsoleted S	ice Section A10	0.3%		្ទីនិ
13.4	6 Pr	eferredPack P	ian						ÇN.
	Des	Description of Service						. 14	
	, 8	1. The PreferedPack plan provides the features increase specified inflowing and a flat rate access into with Touck-Touc canadality.					QN		
	æ å	The rule specified house extrine a residence subscribes to redected calling to all exchange access lines within the subscriber's local calling access later within the subscriber's local calling access to 43.2 L of this Turiff.						(34	
	3.	 The rate specified herein also emilies a residence subscribes to sufficient use of the features/services specified following from the losted sections of this Familia 						of following	?*
		A13.4	Call Water Dobla (***) 31 milion Re		e Call Forwarding ! Actus	Buey Line, Call F	ar≠ s rding Da	mit Aderaci	(M
		A13,19	Culter (D.Delant, (All Repairs					(N
		A13.47	Massage Webse	ofice or					(N
		A13.70	thrus Transce so	Nisk					4N
B .	N.	Regulations and Constalions of Service							an
	3	 The PreferredPack plan is only available to standance valuables. A residence valuable combination of the Seatures services limit is A3.4.5.A.3. 						uny suitable	(3)
	×.	All tules, regulations and imitations specified in the Tariff sections have in ALASAS apply so the respective limitations required to part of this package.						(N	
	3.	All features services are furnished only from custod offices that have been arranged to provide these services. The features services are provided subject to availability of facilities.							(N
	4	Service charges specified in Service: A4 of this Taniff do not apply for transactions in which a subscriber only modifies an existing PreferredPack plan package by adding, deleting or charging features/services requested as part of the package.						ð.	
	3,	 Existing customers of the PrefettedFack plan can not take advantage of special promotions for the PrefettedPack plan of may of the features/services specified in A3 AdvA3 protecting unless specifically allowed by the arms of the special promotion. 							88
	ξŧ.	The Professor like that the trapported as appealed in ALL 16 of the Tandl. During the period of suspension, the rate specified following applies.						M	
C.	Rec	# not Clarge							ON.
	1	The following:	monthly tates apply for	ik Prefereibnik	\$ <u>4</u> .				(N
						Suspend Kala	Monthly Rate	USOC	
		(2)	Par elec ouckasse			\$5.56	526.95	PAMAS	680

