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**Matilda Sanders**

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM] 060476-TL  
**Sent:** Monday, June 26, 2006 2:45 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** (New Docket) BellSouth's Petition to Initiate Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code  
**Importance:** High  
**Attachments:** New\_Dock.pdf

- A. Vicki Fatool  
 Legal Secretary to James Meza III and Manuel A. Gurdian  
 BellSouth Telecommunications, Inc.  
 150 South Monroe Street  
 Suite 400  
 Tallahassee, Florida 32301  
 (305) 347-5560  
[vicki.fatool@bellsouth.com](mailto:vicki.fatool@bellsouth.com)
- B. Docket No.:  
  
 Petition by BellSouth Telecommunications, Inc. to Initiate Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code
- C. BellSouth Telecommunications, Inc.  
 on behalf of Manuel A. Gurdian
- D. 7 pages total (includes letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc.'s Petition to Initiate Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code

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Legal Department

Manuel A. Gurdian  
Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

June 26, 2006

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

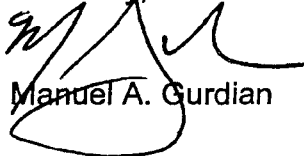
Re: Docket No.: 060476-  
Petition by BellSouth Telecommunications, Inc. to Initiate  
Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1),  
Florida Administrative Code

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Petition to Initiate Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code, which we ask that you file in the captioned *new* docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record  
Jerry D. Hendrix  
E. Earl Edenfield, Jr.  
James Meza III

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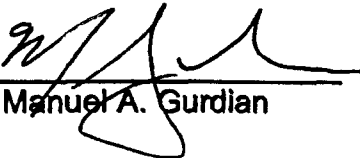
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**CERTIFICATE OF SERVICE**  
**Petition by BellSouth Telecommunications, Inc.**  
**to Initiate Rulemaking to Amend Rules 25-24.630(1) and 25-24.516(1),**  
**Florida Administrative Code**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U.S. Mail this 26<sup>th</sup> day of June, 2006 to the following:

Patrick K. Wiggins  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6212  
[pwiggins@psc.state.fl.us](mailto:pwiggins@psc.state.fl.us)

  
Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, ) Docket No.: 060476 -  
 Inc. to Initiate Rulemaking to Amend Rules )  
 25-24.630(1) and 25-24.516(1), Florida )  
 Administrative Code )  
 ) June 26, 2006

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**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
 PETITION TO INITIATE RULEMAKING TO AMEND RULES  
25-24.630(1) AND 25-24.516(1), FLORIDA ADMINISTRATIVE CODE**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.54(7), Florida Statutes and Rule 25-103.006, Florida Administrative Code, petitions the Florida Public Service Commission ("Commission") to initiate rulemaking to amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code, as more fully set forth below. In support of its Petition, BellSouth avers the following:

1. BellSouth is an incumbent local exchange company doing business in the State of Florida whose regulated operations are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes.
2. BellSouth's principal place of business is 675 West Peachtree Street, N.E., Suite 4500, Atlanta, Georgia 30375. Pleadings and process may be served upon:

BellSouth Telecommunications, Inc.  
 James Meza, III  
 Manuel A. Gurdian  
 c/o Nancy H. Sims  
 150 South Monroe Street, Suite 400  
 Tallahassee, Florida 32301  
 (305) 347-5558  
[james.meza@bellsouth.com](mailto:james.meza@bellsouth.com)  
[manuel.gurdian@bellsouth.com](mailto:manuel.gurdian@bellsouth.com)  
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3. Section 120.547(7)(a), Florida Statutes, provides as follows:

(a) Any person regulated by an agency or having a substantial interest in any agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition shall specify the proposed rule and action requested. Not later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

This statutory requirement is implemented by Rule 28-103.006(1), Florida Administrative Code, which provides as follows:

(1) Petitions to initiate rulemaking pursuant to Section 120.547(7), F.S., include all petitions to adopt, amend, or repeal a rule. All petitions to initiate rulemaking must contain the name, address, and telephone number of the petitioner, the specific rule or action requested, the reasons for the rule or action requested, and the facts showing that the petitioner is regulated by the agency or has a substantial interest in the rule or action requested.

4. The Commission has the discretionary authority to amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code. See *Citizens of Florida v. Mayo*, 357 So.2d 731 (Fla. 1978) (“The agency rule making function involves the exercise of agency discretion and this Court will not substitute its judgment for that of the agency on an issue of discretion”).

5. Rules 25-24.630 and 25-24.516, Florida Administrative Code, are promulgated under the authority contained in Section 350.127(2), Florida Statutes. Rule 25-24.630, Florida Administrative Code, indicates that the “Law Implemented” are Sections 364.01 and 364.3376, Florida Statutes. Rule 25-24.516, Administrative Code, indicates that the “Law Implemented” are Sections 364.03 and 364.3375(4), (5), Florida Statutes.

6. Rule 25-24.630(1)(a)-(b), Florida Administrative Code, requires that services charged and billed to an end user by an operator services provider for an intrastate 0+ or 0- call made from a pay telephone or in a call aggregator context shall not exceed a rate of \$.30 per minute plus the applicable charges for the following types of calls: a person-to-person call – a charge of \$3.25 and a call that is not a person-to-person call – a charge of \$1.75.

7. Rule 25-24.516(1)(a)-(g), Florida Administrative Code, requires that rates charged an end user by a pay telephone provider, providing operator service within the pay telephone premises' equipment, shall not exceed the following: Local coin calls – the rate posted at the pay telephone station; Extended area service (EAS) coin calls – a rate equivalent to the local coin call rate; Extended calling scope (ECS) calls – the rate equivalent to the local coin rate; 0+ toll non-person-to-person – a maximum rate of \$.30 per minute, plus a \$1.75 charge; 0+ toll person-to-person – a maximum rate of \$ .30 per minute, plus a \$3.25 charge; 0+ non-person-to-person local – a rate equivalent to the local coin rate, plus a \$1.75 charge; 0+ person-to-person local – a rate equivalent to the local coin rate, plus a \$3.25 charge.

8. The Rules' allowable level of charges has been in place for over seven years. The telecommunications industry, technology, and competition in Florida have changed dramatically since the allowable level of charges was established.

9. BellSouth believes that in the current competitive environment, the allowable level of charges contained in Rules 25-24.630(1) and 25-24.516(1) are

unreasonable as operator services is a competitive market. BellSouth believes that the Commission should amend the current limitations set forth in the Rules and set the allowable level of charges to a level that the competitive market will bear or, in the alternative, eliminate the limitations entirely.

10. The Commission has previously recognized that operator services are "some of the most competitive" of services. *In re: Petition for waiver of Order PSC-96-0012-FOF-TL to consolidate number of non-basic service categories By Verizon Florida Inc.*, Docket No. 050294-TL, Order No. PSC-050602-PAA-TL at p. 3 (Issued June 1, 2005)("We also find that Verizon's request to combine Toll Services, Operator Services, and Transport Services is logical since these types of services are recognized as being some of the most competitive."). Moreover, the Commission has stated that operator services "face competitive pressures" and that there are a "plethora of alternatives" in the marketplace. *In re: Petition for waiver of Order PSC-96-0012-FOF-TL and request to establish modified price regulation categories by BellSouth Telecommunications, Inc.*, Docket No. 041213-TL, Order No. PSC-05-0184-PAA-TL at p. 3 (Issued February 17, 2005)("These listing services do not face competitive pressures like those found with toll, operator, and transport services, where there are a plethora of alternatives.").

11. BellSouth also believes that Rule 25-24.630, Florida Administrative Code, should not apply to services charged and billed to an end user by an operator services provider for an intrastate 0+ or 0- call made in a call aggregator context. BellSouth believes that end users who stay in hotels, resort


condominiums, rooming houses, etc. as outlined in Rule 25-24.610 (1)(a)(1)-(13), Florida Administrative Code, have numerous available alternatives. These residents are not captive to the presubscribed provider and can use wireless services, prepaid calling cards, etc. as alternatives.

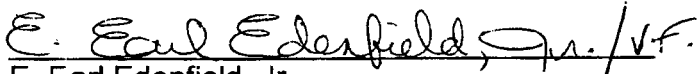
12. Accordingly, BellSouth hereby petitions the Commission to open a docket for the purpose of conducting workshops and other appropriate inquiries to amend Rules 25-24.630(1) and 25-24.516(1), Florida Administrative Code.

WHEREFORE, BellSouth respectfully requests that the Commission open a docket and initiate rulemaking as requested herein.

Respectfully submitted this 26th day of June, 2006.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
James Meza III  
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