

Matilda Sanders

From: Woods, Vickie [Vickie.Woods2@bellsouth.com]
Sent: Thursday, January 18, 2007 3:11 PM
To: Filings@psc.state.fl.us
Subject: 060598-TL BellSouth's Motion to Modify Order
Attachments: 060598-T.pdf

ORIGINAL

A. Vickie Woods
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B. Docket No. 060598-TL: In Re: Petition to recover 2005 tropical system related costs and expenses by BellSouth Telecommunications, Inc.

C. BellSouth Telecommunications, Inc.
on behalf of Manuel A. Gurdian

D. 6 pages total (including letter, pleading, certificate of service and Exhibit A)

E. BellSouth Telecommunications, Inc.'s Motion to Modify Order
.pdf version attached

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<<060598-T.pdf>>
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Manuel A. Gurdian
Attorney

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(305) 347-5561

ORIGINAL

January 18, 2007

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

**Re: Docket No. 060598-TL: Petition by BellSouth
Telecommunications, Inc., pursuant to Florida Statutes
§364.051(4), to Recover 2005 Tropical System Related Costs
and Expenses**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Motion to Modify Order,
which we ask that you file in the captioned docket.

Copies of this letter will be served to the parties shown on the attached
Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: Jerry D. Hendrix
E. Earl Edenfield, Jr.
James Meza III

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 060598-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U. S. Mail this 18th day of January, 2007 to the following:

Patrick Wiggins
Adam Teitzman
Felicia West
Theresa Lee Eng Tan
Staff Counsels
Florida Public Service
Commission
Division of Legal Services
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NuVox Communications, Inc.
Susan J. Berlin (+)
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Greenville, SC 29601
Phone: 864-331-7323
Fax: 864-672-5105
sberlin@nuvox.com



Manuel A. Gurdian
(+) Signed Protective Agreement

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Deputy Public Counsel
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Represents NuVox
Represents CompSouth

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by BellSouth Telecommunications, Inc.,) Docket No. 060598-TL
pursuant to Florida Statutes § 364.051(4) to Recover)
2005 Tropical System Related Costs and Expenses)
_____) January 18, 2007

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO MODIFY ORDER

BellSouth Telecommunications, Inc. ("BellSouth") asks the Florida Public Service Commission ("Commission") to modify its Order on BellSouth Storm Cost Recovery, Order No. PSC-07-0036-FOF-TL (Issued January 10, 2007) ("Order"). In support of this Motion, BellSouth states the following:

1. On or about January 10, 2007, the Commission issued the Order.
2. The Order requires BellSouth to initially use a 47% utilization factor in calculating the number of storm recovery line item surcharges that will apply to UNE high capacity loops. Order at p. 23. In addition, the Order requires BellSouth to "recalculate the factor monthly, using its most recently available retail billing data, and use the recalculated factor when applying storm recovery line item surcharges to high capacity loops." *Id.*
3. In order for BellSouth to efficiently implement the Order without incurring burdensome administrative changes, BellSouth, NuVox Communications, Inc. ("NuVox") and the Competitive Carriers of the South, Inc. ("CompSouth") have reached an agreement on the manner in which the storm recovery line item surcharge will be implemented on UNE high-capacity loops. See Stipulation between BellSouth, NuVox and CompSouth ("Stipulation") attached hereto as Exhibit "A."

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FPSC-COMMISSION CLERK

4. The Stipulation provides that, during the time period that the storm recovery line item surcharge is in effect, BellSouth will apply a 42% utilization factor in calculating the number of storm recovery line item surcharges that will apply to high capacity loops, without fluctuation or recalculation.

5. As a result, BellSouth, CompSouth, and NuVox agree that, for the 12-month time period that the storm recovery surcharge is in effect per the Order, ten (10) storm recovery line item surcharges will be assessed on each DS1 loop (totaling \$5.00 per month per DS1 loop) and two hundred and eighty-two storm recovery line item surcharges will be assessed on each DS3 loop (totaling \$141.00 per month per DS3 loop).

6. BellSouth requests that the Order be modified to reflect this agreement so that all CLECs purchasing high-capacity UNE loops will be subject to the same charges.

7. BellSouth, NuVox and CompSouth have agreed that the agreement between them relates solely to the implementation of the Order as set forth in the Stipulation and that the Stipulation is not an admission as to the Order's correctness and is not explicitly or implicitly a waiver of any rights CompSouth or NuVox may have to seek appellate review of any aspect of the Order.

8. BellSouth is authorized to represent that NuVox and CompSouth are agreeable to and do not object to the relief requested in the instant motion.

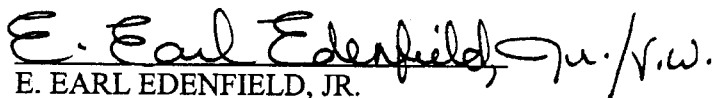
WHEREFORE, based upon the foregoing, BellSouth respectfully requests the Commission to grant its Motion to Modify Order to allow BellSouth to apply a 42% utilization factor, without fluctuation or recalculation, to the high-capacity UNE loops subject to the storm recovery line item surcharge as set forth in the Order.

Respectfully submitted this 18th day of January, 2007.

BELLSOUTH TELECOMMUNICATIONS, INC.



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AUTHORIZED HOUSE COUNSEL NO. 426260
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664580

STIPULATION

The purpose of this stipulation is to permit BellSouth Telecommunications, Inc. ("BellSouth") to efficiently implement Order No. PSC-07-0036-FOF-TL and to provide certainty to the parties as to the amount of the storm recovery line item surcharge for high-capacity loops purchased by CLECs. Accordingly, BellSouth, Competitive Carriers of the South, Inc. ("CompSouth") and NuVox Communications, Inc. ("NuVox) agree as follows:

1. The agreement of CompSouth and NuVox to implementation of the Order as set forth below is in not an admission as to the Order's correctness and is not explicitly or implicitly a waiver of any rights CompSouth/NuVox have to seek reconsideration and/or appellate review of any aspect of the Order.


2. During the time that the storm surcharge is in effect, the charge shall apply to the UNE loops set out in the Order utilizing a 42% utilization factor, without fluctuation or recalculation. For DS1s, that will result in a charge of \$5.00 (24 lines x 42%= 10.08; 10.08 x .50 = \$5.00, rounded down) for each DS1 loop to which the charge applies. For DS3s, that will result in a charge of \$141.00 (672 x 42%=282.24; 282.24 x .50 =\$141.00, rounded down) for each DS3 loop to which the charge applies.

Executed this 18th day of January, 2007.

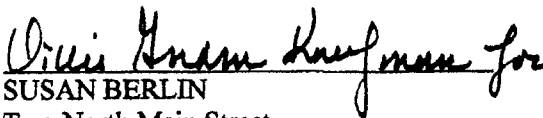
COMPSOUTH


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