

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc. | DOCKET NO. 060598-TL  
ORDER NO. PSC-07-0291-FOF-TL  
ISSUED: April 5, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN

ORDER GRANTING JOINT MOTION TO MODIFY ORDER NO. PSC-07-0036-FOF-TL

BY THE COMMISSION:

**I. Case Background**

On September 1, 2006, BellSouth Telecommunications Company, Inc. (BellSouth, or company), filed a Petition to Recover 2005 Tropical System Related Costs and Expenses sustained as a result of the six named tropical storm systems. On September 20, 2006, BellSouth filed an Amended Petition to Recover 2005 Tropical System Related Costs and Expenses (Petition) pursuant to Section 364.051(4), Florida Statutes, and Rule 28-106.202, Florida Administrative Code. On January 10, 2007, Order No. PSC-07-0036-FOF-TL (Final Order) was issued.

**II. Analysis**

*BellSouth's Motion*

On January 18, 2007, BellSouth filed a Motion to Modify the Final Order. BellSouth requests that we modify the Final Order to incorporate a subsequent stipulation (Attachment A) that was reached between BellSouth, NuVox Communications, Inc. (NuVox) and Competitive Carriers of the South, Inc. (CompSouth).

In its Motion, BellSouth states that the Final 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. BellSouth states further that the Final Order requires BellSouth to recalculate the factor monthly using the most recent available billing data.

BellSouth contends that in order to efficiently implement the Final Order without incurring burdensome administrative changes, BellSouth, NuVox and CompSouth have reached an agreement on the manner in which the storm recovery line item surcharge will be implemented on UNE high capacity loops. BellSouth asserts that the stipulation provides that

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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 UNE high capacity loops, without fluctuation or recalculation. BellSouth notes that as a result of the parties stipulation, 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 eighty-two storm recovery line item surcharges will be assessed on each DS3 loop (totaling \$141.00 per month per DS3 loop).

### **III. Decision**

We hereby grant the Motion to Modify Order No. PSC-07-0036-FOF-TL. The approved modifications are the result of a stipulation the parties have agreed will allow for the efficient implementation of the Order's requirement that a line item surcharge be applied to UNE high capacity loops. Additionally, the stipulation states that the approved modification provides certainty to the parties as to the amount of the storm recovery line item surcharge for high capacity loops purchased by CLECs.

This docket shall remain open pending the filing of BellSouth's report on the total storm recovery amount collected.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion to Modify Order No. PSC-07-0036-FOF-TL is granted. It is further

ORDERED that all other aspects of Order No. PSC-07-0036-FOF-TL are reaffirmed. It is further

ORDERED that this docket shall remain open pending the filing of BellSouth's report on the total storm recovery amount collected.

By ORDER of the Florida Public Service Commission this 5th day of April, 2007.



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ANN COLE  
Commission Clerk

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of the Commission Clerk and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.