

FLORIDA PUBLIC SERVICE COMMISSION  
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M E M O R A N D U M

JANUARY 9, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS, AUDU) *AW*  
DIVISION OF AUDITING & FINANCIAL ANALYSIS (LESTER)  
DIVISION OF LEGAL SERVICES (KEATING) *WCK MCB*

RE: DOCKET NO. 961221-TI; APPLICATION FOR CERTIFICATE TO  
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY  
BELLSOUTH PUBLIC COMMUNICATIONS, INC.

AGENDA: 01/21/97 REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/961221.RCM

STAFF DISCUSSION

ISSUE 1: Should the Commission grant BELLSOUTH PUBLIC COMMUNICATIONS, INC. (BELL) a certificate to provide intraLATA interexchange telecommunications service with alternative operator service within the State of Florida as provided by Section 364.337(3), Florida Statutes?

RECOMMENDATION: Yes, BELL should be granted:

Florida Public Service Commission Certificate No. 4788.

Pursuant to Section 364.335(3) the Commission may not grant authority greater than that requested. Bell's proposed application tariff is limited to intraLATA services; therefore its intrastate authority should be so limited.

47 U.S.C. §271 provides that neither a Bell operating company nor any affiliate of a Bell operating company may provide interLATA services except as specifically provided for therein. Because this application requests only authority to provide intraLATA services, 47 U.S.C. §271 does not appear to restrict the authority that BELL requests.

DOCUMENT NUMBER-DATE

00241 JAN-95

FPSC-RECORDS/REPORTING

DOCKET NO. 961221-TI  
DATE: January 9, 1997

**STAFF ANALYSIS:** BELL filed an application with this Commission on October 10, 1996, to offer telecommunications service in Florida as an operator service provider and switchless rebiller.

A certificate would be issued to BELL (BellSouth Public Communications, Inc.), a separate corporate entity created by BellSouth Telecommunications, Inc. to provide its pay telephone service, using the same tariffed interconnection arrangements available to competing non local exchange company pay phone providers. Bell has petitioned the FCC to accept this arrangement as meeting its requirement to establish a comparably efficient interconnection (CEI) plan as ordered by the FCC (page 4).

A review of BELL's exhibit of managerial and technical qualifications exhibits satisfactory records in telecommunications service and operation. Further, a review of BELL's financial capability by the Division of Auditing and Financial Analysis indicates that the application appears adequate under the requirements of the statute.

Section 364.335(3), Florida Statutes, states:

(3) The Commission may grant a certificate, in whole or in part or with modifications in the public interest, but in no event granting authority greater than that requested in the application or amendments thereto and noticed under subsection (1); or it may deny a certificate. The Commission may grant certificates for proposed telecommunications companies, or for the extension of a existing telecommunications company, without regard to whether such companies will be in competition with or duplicate the local exchange services provided by any other telecommunications company. The commission may also grant a certificate for a proposed telecommunications company, which will be providing either competitive or duplicative pay telephone service pursuant to the provisions of s. 364.3375, or private line service by a certified alternative access vendor pursuant to s. 364.337 (6). Pay telephone service shall include that telephone service using telephones that are capable of accepting payment by specie, paper money, or credit cards.

Because IXC applicants are limited by this section to the authority they request, staff concludes that Bell's IXC authority should be limited to intraLATA service in accordance with their proposed tariff.

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47 U.S.C. §271 provides that neither a Bell operating company nor any affiliate of a Bell operating company may provide interLATA services except as specifically provided for therein. BELL (BellSouth Public Communications, Inc.), is an affiliate of BellSouth Telecommunications, Inc. Because this application requests only authority to provide intraLATA services, 47 U.S.C. §271 does not appear to restrict the authority that BELL requests.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order, this docket should be closed.

STAFF ANALYSIS: This docket should be closed if no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order.



# PUBLIC NOTICE

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DA 96-2005

cc: Maden  
Taylor  
Summers  
Williams

## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON BELLSOUTH'S COMPARABLY EFFICIENT INTERCONNECTION PLAN FOR PAYPHONE SERVICE PROVIDERS

CC Docket No. 96-128

Released: November 27, 1996

On November 22, 1996, the BellSouth Telecommunications, Inc., (BellSouth) filed a Comparably Efficient Interconnection (CEI) Plan for payphone service providers in accordance with Commission requirements imposed in *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, *Report and Order*, FCC 96-388 (Sept. 20, 1996) and *Order on Reconsideration*, FCC 96-439 (Nov. 8, 1996). BellSouth states that it will conduct payphone operations through a separate corporate entity, BellSouth Public Communications, Inc., which will purchase and utilize the same tariffed services that are available to other providers of payphone services. BellSouth further states that it will offer two unbundled service arrangements that meet the needs of payphone service providers.

Interested parties should file comments on Bellsouth's submission by **December 30, 1996**, and reply comments by **January 15, 1997**, with the Secretary, FCC, 1919 M Street, N.W., Washington, D.C. 20554. In addition, parties should send one copy to Janice Myles, Common Carrier Bureau, FCC, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, and to one copy to International Transcription Service, Inc. (ITS), the Commission's contractor for public service records duplication. Bellsouth's submission is available for inspection and copying during normal business hours in the FCC's Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Copies also can be obtained from ITS at 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, or by calling (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. For further information contact Janice Myles, Policy and Program Planning Division of the Common Carrier Bureau, at (202) 418-1577.