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E. GARY EARLY

July 22, 1997

David E. Smith  
Director of Appeals  
c/o Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0862

970000

RE: Proposed Amendments to Rules 25-4.003, 25-4.110 and 25-4.118

Dear Mr. Smith:

We represent BellSouth Mobility Inc, (BMI) a commercial mobile radio service (CMRS) provider doing business in the State of Florida. On behalf of BMI we hereby provide the Florida Public Service Commission with the following comments and suggestions to the above referenced proposed rule amendments, as published in the Florida Administrative Weekly, Volume 23, Number 23, pp. 2772-2779, June 6, 1997. We request that these comments and suggestions be considered by the PSC and be made part of the record of the rulemaking proceeding, and that an acknowledgment be made by the Commission regarding the inapplicability of the proposed rule to CMRS providers.

BMI's comments relate to the extent to which the proposed rule would apply to efforts to market to and switch providers for cellular interLATA customers. The proposed rule, applies to telecommunications companies. The term "telecommunications company" is defined in Section 364.02(12), Florida Statutes, as excluding CMRS providers. Based on the general scope of the PSC's regulatory jurisdiction over CMRS providers, and the limitations contained in the proposed rule itself, we believe that the proposed rule does not apply to cellular companies and their customer marketing practices and procedures.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP 1 \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN 1 \_\_\_\_\_
- OPC \_\_\_\_\_
- ACH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

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*[Signature]*  
PSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

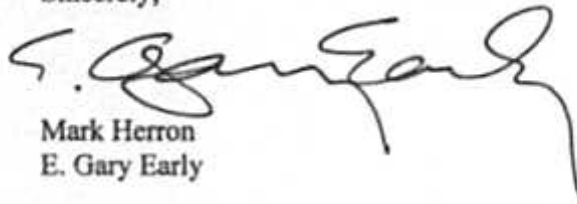
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David E. Smith  
July 22, 1997  
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We request that the foregoing comments be included in the record of this rulemaking proceeding and be considered by the Florida Public Service Commission. If you have any questions or concerns regarding the substance of these comments please contact us.

Sincerely,



Mark Herron  
E. Gary Early

EGE/mcd

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