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February 4, 1998

VIA HAND DELIVERY

Ms. Blanca Bayó
Florida Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 970882-T1

Dear Ms. Bayó:

Enclosed are the original and 15 copies of the Florida Competitive Carriers Association and BellSouth Telecommunications, Inc.'s Motion to Sever Portion of Proposed Rule 25-4.110(11)(a) Related to Blocking/Personal Identification Number (PIN) for 900/976 Calls from this Proceeding, and Additionally, to Reject Staff's Recommended Changes to Proposed Rule 25-4.110(11)(a) in the above docket.

ACK _____

AFA _____ I have enclosed an extra copy of the above document for you to stamp and
APP Adverse return to me. Thank you for your assistance.

CAF 2 _____ Sincerely,

CMJ 2 _____
CTR _____
EAP _____
LEL _____
LIM 5 _____
OPR _____
RF 1 _____
SE 1 _____
WF _____
OTL _____

Vicki Gordon Kaufman

YGK/pw
Encl.

DOCUMENT NUMBER-DATE
01816 FEB-4 98
FPSC-RECORDS/REPORTING

In re: Proposed Rule 25-24.845,)
 F.A.C., Customer Relations;)
 Rules Incorporated, and Proposed)
 Amendments to Rules 25-4.003,)
 F.A.C., Customer Billing; 25-)
 4.118, F.A.C. Interexchange)
 Carrier Selection; 25-24.490,)
 F.A.C., Customer Relations;)
 Rules Incorporated)

Docket No. 970882-EI

Filed: February 4, 1998

**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION AND
 BELL SOUTH TELECOMMUNICATIONS, INC.'S
 MOTION TO SEVER PORTION OF PROPOSED RULE 25-4.110(11)(a)
 RELATED TO BLOCKING/PERSONAL IDENTIFICATION NUMBER (PIN)
 FOR 900/976 CALLS FROM THIS PROCEEDING, AND ADDITIONALLY, TO REJECT
STAFF'S RECOMMENDED CHANGES TO PROPOSED RULE 25-4.110(11)(a)**

The Florida Competitive Carriers Association (FCCA) and BellSouth Telecommunications, Inc. (BellSouth) pursuant to rule 25-22.037, Florida Administrative Code, file this motion requesting the Commission to sever that portion of the proposed rule related to blocking/PIN identification for 900/976 calls (proposed rule 25-4.110(11)(a)) from this proceeding and additionally, to not consider Staff's proposed revision to rule 25-4.110(11)(a) on the following grounds.

**The Commission Should Not Consider the
 Pin Number Rule Proposal for 900/976 Calls in this Proceeding**

1. The noticed purpose of this proceeding is to deal with issues related to slamming. This docket was opened to investigate slamming--that was the investigation the Public Counsel and the Attorney General requested and that is where the parties have focused their efforts. In fact, Order No. PSC-97-1071-PCO-TI states that the issue in this docket is: "Should additional safeguards be adopted by the Commission to protect consumers from slamming? If so, what safeguards should be adopted?"

2. The provisions relating to the blocking of 900/976 calls and the use of a personal identification number (PIN) to remove the block found in proposed rule 25-4.110(11)(a), Order No. PSC-97-1615-NOR-TI, issued on December 24, 1997, are not related to the slamming issues which the Commission announced it would consider. If the Commission wants to consider and analyze blocking options, it should do so in a separate proceeding where it can examine the feasibility and cost of such a proposal.

3. The issue of blocking 900/976 calls and the use of a PIN number presents issues relating to technical difficulties which will require an extensive amount of time to develop. Given the number of witnesses and commenters devoted to the primary issue of unauthorized changes in this proceeding already, there is simply not time to explore this separate subject adequately.

4. Similarly, the monetary impact of this section of the proposed rule is also significant. It will require an in-depth analysis and examination which simply cannot occur in the time frame for this proceeding.

5. Therefore, issues related to blocking and use of a PIN number for 900/976 numbers should be severed from this proceeding.

**Staff's Recently Proposed Expansion of the Block/PIN Option
Should Not Be Considered in this Proceeding**

6. If the Commission does not sever the issue of blocking/PIN number for 900/976 calls as requested above, it should limit its consideration to only that which has been noticed -- blocking of 900/976 calls. The proposed rules, as noticed, contained proposed section 25-4.110(11)(a)3, pertaining solely to 900 and 976 calls. They provide that customers may obtain a block of such calls and further provide that

submission of a PIN may be used to supersede the block. Thus, the block/PIN issue as noticed pertains to a limited type of call.

7. Staff submitted its Prehearing Statement on January 15, 1998. For the first time, Staff suggested in that pleading that the billing block option subsection described above be renumbered as a separate section and that the language be modified to apply to all third party charges, not just 900 or 976 charges as noticed in the proposed rule.

8. Such a change was never noticed by the Commission. Further, to FCCA and BellSouth's knowledge, this change has not been analyzed for its economic impact, which is substantial.

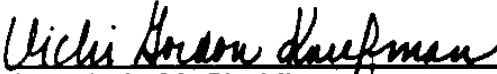
9. Staff's last minute amendment should not be considered in this proceeding for several reasons. First, Staff's proposal is a substantial change in the noticed rules. Though carriers have not had sufficient time to accurately analyze this change, it is believed that the cost of implementing such a change, if it can even be technically accomplished, will be exorbitant. FCCA and BellSouth want to emphasize that what Staff has proposed is not a technical change to the proposed rules, but rather a substantive expansion that has dramatic technical and financial implications.

10. Such implications were neither inquired about nor included in Staff's assessment of the cost of implementing the rules. If such a change is contemplated, it should be properly noticed and its impacts carefully studied. There is simply not time to accomplish this given the time frame for this proceeding. At the very least, FCCA and BellSouth suggest that such a substantial change would necessitate republication as required by section 120.54(3)(d), Florida Statutes.

11. Again, this proceeding should be limited to unauthorized carrier changes


so that the Commission and participants may give the subject their full attention and so that unrelated but significant subjects are not shortchanged. However, if the Commission does not sever the proposed rule related to 900/976 blocking/PIN and if the Commission is interested in adopting an amendment to the proposed rule such as the one proposed by Staff, FCCA and BellSouth suggest that the portion of the rule very recently put forward by Staff be severed from this hearing. If it is so inclined, the Commission can begin separate rulemaking procedures on that proposal. This will not interfere with the Commission going forward with the currently scheduled hearings on the noticed rule amendments.

WHEREFORE, FCCA and BellSouth request that the Commission sever that portion of the proposed rule related to blocking/PIN identification for 900/976 numbers and additionally, not consider Staff's recommended changes to this proposed rule in this proceeding.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy Florida Competitive Carriers Association and BellSouth Telecommunications, Inc.'s foregoing Motion to Sever has been provided by (*) hand delivery, facsimile (**) or U. S. Mail this 4th day of February, 1998 to the following:

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