

RECEIVED 7/16/99

Legal Department

NANCY B. WHITE
General Counsel-Florida

99 JUL 16 PM 3:15

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

RECORDS AND
REPORTING

July 16, 1999

990930-TL

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: BellSouth Telecommunications, Inc.'s
Petition for Emergency Relief**

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Emergency Relief which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

RECEIVED & FILED

FPSO-BUREAU OF RECORDS

Sincerely,

Nancy B. White
Nancy B. White (BW)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey

DOCUMENT NUMBER-DATE

08494 JUL 16 99

FPSO-RECORDS/REPORTING

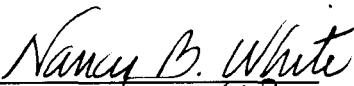
CERTIFICATE OF SERVICE

DOCKET NO.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand-Delivery this 16th day of July, 1999 to the following:

Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Sprint-Florida, Inc.
Charles J. Rehwinkel, Esq.
Post Office Box 2214
1313 Blirstone Road
Tallahassee, FL 32301
Tel. No. (850) 847-0244
Fax No. (407) 814-5700



Nancy B. White (BN)

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: BellSouth Telecommunications,)
Inc.'s Petition for Emergency) Docket No.
Relief to compel Sprint-Florida,)
Inc. to directory listings of Sprint's)
customers in Florida.) Filed: July 16, 1999
_____)

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
PETITION FOR EMERGENCY RELIEF**

BELLSOUTH TELECOMMUNICATIONS, INC. ("BellSouth"), files this Petition for Emergency Relief requesting that the Florida Public Service Commission (the "Commission"), pursuant to Rule 28-106.201, Florida Administrative Code, compel Sprint-Florida, Inc. ("Sprint") to provide BellSouth with the directory listings of Sprint's customers in Florida. As grounds in support of this Petition, BellSouth states as follows:

1. BellSouth is a local exchange company lawfully doing business in the State of Florida, the regulated operations of which are subject to the Commission pursuant to Chapter 364, Florida Statutes.
2. BellSouth's principal place of business in Florida is 150 West Flagler Street, Suite 1910, Miami, Florida 33130.
3. Pleadings and process in this matter may be served upon:

Nancy B. White
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5558

DOCUMENT NUMBER-DATE

08494 JUL 16 89

FPSC-RECORDS/REPORTING

4. Sprint is a local exchange company lawfully doing business in the State of Florida, the regulated operations of which are subject to the Commission pursuant to Chapter 364, Florida Statutes.

5. Sprint's principal place of business in Florida is 555 Lake Border Drive, Apopka, Florida 32713.

6. On December 10, 1998, BellSouth advised Sprint that, pursuant to Orders (FCC Order 98-271) and regulations (47 CFR §51.217) of the Federal Communications Commission ("FCC"), BellSouth would begin providing Sprint's directory listings to third parties, including Alternative Local Exchange Companies ("ALECs"). This data was to be made available via BellSouth's Directory Assistance Database Service ("DADS"). A copy of this correspondence is attached as Exhibit "A".

7. On December 23, 1998, Sprint advised BellSouth that it was not necessary for third parties to have access to Sprint's listings from BellSouth. A copy of this correspondence is attached as Exhibit "B".

8. On May 28, 1999, BellSouth reiterated its position to Sprint. Moreover, BellSouth advised Sprint that Commission Order No. 98-1484-FOF-TP, issued on November 5, 1998, also required BellSouth to make all directory listings contained in BellSouth's database, including those of other local exchange companies, available to requesting ALECs and that this would

occur effective June 9, 1999. A copy of this correspondence is attached as Exhibit "C".

9. On June 3, 1999, Sprint advised that, unless BellSouth compensated Sprint for Sprint's directory listings provided to third parties, Sprint would require BellSouth to remove all Sprint listings from BellSouth's databases immediately. A copy of this correspondence is attached as Exhibit "D".

10. On June 7, 1999, BellSouth advised Sprint that Sprint's demand that BellSouth purge its database of all Sprint listings, including Sprint's EAS Florida listings, was contrary to the rules of the Commission (Rule 25-4.040(5)). A copy of this correspondence is attached as Exhibit "E".

11. On June 17, 1999, Sprint ceased sending new and updated directory listing information to BellSouth. As a consequence, the existing Sprint directory listing information in BellSouth's database, including EAS listings, was removed in light of the strong possibility that the information was no longer accurate.

12. Sprint's refusal to provide directory listings to BellSouth and the resulting purge of Sprint listings from BellSouth's database has impaired BellSouth's ability to provide customer service, has impaired competition, and is not in the best interest of the public.


13. ALECs are unable to obtain Sprint listings from BellSouth. BellSouth is unable to satisfy requests by both individual consumers and by

competitors. Moreover, Sprint is in violation of the Commission's rules. BellSouth believes that it is in the best interest of the public to compel Sprint to supply its directory listings to BellSouth and repopulate the database. BellSouth requests that this petition be handled on an expedited and emergency basis.


WHEREFORE, BellSouth respectfully requests that Sprint be compelled to provide the directory listings of Sprint's customers in Florida to BellSouth.

Respectfully submitted, this 16th day of July, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (ms)
MICHAEL P. GOGGIN
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558



R. DOUGLAS LACKEY
675 West Peachtree Street, N.E.
Suite 4300
Atlanta, Georgia 30375
(404) 335-0747

170772



BellSouth Telecommunications, Inc. 205 321-2000
Headquarters Building
800 North 19th Street
Birmingham, Alabama 35203

Lee B. Shoemaker, Jr.
Director Industry Relations

December 10, 1998

Mr. Jack Burge
Sprint
4220 Shawnee Mission Parkway; Mail Stop - KSFRWA0301
Fairway, Kansas 66205

Dear Mr. Burge:

As you may know BellSouth has been receiving numerous requests for all listings in its Directory Assistance listings database, including those of other local exchange companies. This matter has received considerable review within our company particularly with respect to the legal mandates affecting the issue. Following that review, we have concluded that we have no alternative except to provide all DA listings, including those of your company, in our database to requesting third parties including Competitive Local Exchange Carriers (CLECs). We will make this data available via our Directory Assistance Database Service (DADS).

Accordingly, this letter will serve as notice of BellSouth Telecommunications, Inc.'s (BST) intent to comply with the order of the Federal Communications Commission (FCC) requiring BST to provide all directory assistance (DA) listing information residing in its DA listings database to third parties upon request. The FCC has ruled that BST currently is not in compliance with 47 CFR § 51.217, which requires BellSouth to provide all such DA listing information in its DA database, whether such information represents BellSouth's or other carriers' DA listings. The reason that your company is receiving this letter is that our records indicate that our agreement(s) with your company and any amendments and annexes relating to DA listing information purport to preclude BellSouth from providing your company DA listing information to third parties without your consent.

In its Second Louisiana Order, FCC 98-271, issued in CC Docket No. 98-121, the FCC found that BellSouth was not providing nondiscriminatory access to its DA listings databases. The FCC held that Section 251(b)(3) of the Telecommunications Act and Section 51.217 of the FCC's rules both require all local exchange carriers to "provide a requesting carrier with all the subscriber listings in its operator services and DA databases except listings for unlisted numbers." (Emphasis added) (Paragraph 249). The fact that BellSouth's DA database currently contains information provided to it by CLECs and independent local exchange carriers did not affect the FCC's ruling that BellSouth must make available all DA listing information regardless of the source if it is retained in BellSouth's DA database.

EXHIBIT A

Based on the foregoing, we must advise you that effective January 1, 1999 we will begin providing all of the DA listing information that resides in the BellSouth DA database to requesting third parties, including CLECs. If you wish to request a return of your DA listing information, we will of course honor such a request.

However, such a decision would affect BellSouth's ability to provide continued DA services to your company if in fact we currently have such an arrangement.

We understand that the FCC rules and order also affect your company interests, but we have no choice but to comply with the order of the FCC. Our agreement(s) with your company and any amendments or annexes thereto relating to DA listings issues provide that if any legal orders, rules or the like make the performance of any of the obligations under our agreement impossible, then the provision shall be void, and the rest of the contract shall remain in force and effect to the extent possible.

If there are any questions regarding this matter, please call your account team representative.

Sincerely,

Leo B. Shornaker
by AJ

cc: Jim Schenk



4220 Shattuck Highway
Fairfax, VA 22031

December 23, 1998

Mr. Leo B. Shoemaker, Jr.
Director Industry Relations
BellSouth Telecommunications, Inc.
Headquarters Building
600 North 19th Street
Birmingham, Alabama 35203

Dear Mr. Shoemaker:

I have received your letter of December 10, 1998, that discussed the issue of BellSouth reselling of non-BellSouth DA listings, which would include Sprint DA listings. The Directory Assistance Listings Agreement between our two companies does not allow the sale of DA listings to third parties without permission from Sprint.

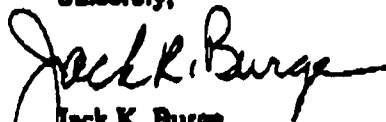
Sprint has made its DA listings available to all third parties and it is not necessary for these third parties to secure DA listings from BellSouth. Further, Sprint has provided its DA listings to BellSouth at a cost based rate and thus, if BellSouth provides Sprint DA listings to third parties, Sprint would not be receiving its just compensation.

Sprint does not agree with BellSouth's interpretation of the FCC's Second Louisiana Order, FCC 98-271 and does not agree to allow BellSouth to provide Sprint listings to third parties. The portion of the Order cited by BellSouth is taken out of context and provides no support for the proposition that BellSouth may unilaterally change its agreement with Sprint. In fact Paragraph 250 of the order states: "BellSouth claims that it is actively pursuing "contract modifications to permit it to provide all listings," and that it will provide competing carriers or independent companies' listings in the database if such companies are willing to waive the restrictive parts of their agreements." Finally it is clear that the FCC never ordered BellSouth to provide the listings, but rather stated that it was BellSouth's obligation to provide the listings if BellSouth wanted to meet the guidelines under Section 271.

Sprint is more than willing to sit down and discuss other options that will meet both companies needs, but what has been proposed in your December 10, 1998, letter is not acceptable to Sprint.

Please call if you have questions or would like to discuss further.

Sincerely,


Jack K. Burge

pc: Mark Megee
Peter Hoaly
Jim Appleby
John Clayton
Gene Luceford

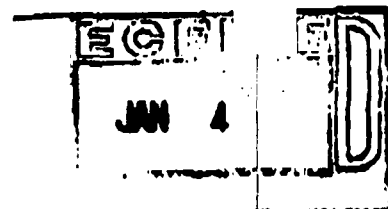


EXHIBIT B



BellSouth Telecommunications, Inc. 205 321-2005
Headquarters Building
600 North 19th Street
Birmingham, Alabama 35203

Lee B. Sheemaker, Jr.
Director Industry Relations

May 28, 1999

Mr. Jack Burge
National Account Manager
Sprint, Inc.
4220 Shawnee Mission Parkway
Fairway, KS 66205
Mailstop: KSFRWB0301

Dear Mr. Burge:

On December 10, 1998 BellSouth Telecommunications ("BellSouth") sent a letter to Sprint, Inc. ("Sprint"), which informed Sprint that, as a consequence of certain actions taken by the Federal Communications Commission ("FCC") as well as the Florida Public Service Commission, BellSouth is required to provide Sprint directory listings to third parties including Competitive Local Exchange Carriers ("CLECs").

As you may know, the basis for this requirement is two-fold. First, the FCC has promulgated a rule, 47CFR §51.217(c)(3)(ii), which states:

Access to directory listings. A LEC shall provide directory listings to competing providers in readily accessible magnetic tape or electronic formats in a timely fashion upon request. A LEC also must permit competing providers to have access to and read the information in the LEC's directory assistance databases.

Thus, BellSouth, as does Sprint, has an obligation to provide CLECs with access to the directory listings in its database. This rule provides no exception for listings provided to BellSouth by other local exchange companies.

EXHIBIT C

Moreover, the Florida PSC, in its Order No. 98-1484-FOF-TP, also held that BellSouth was obligated to make such listings available to requesting CLECs. The Florida PSC specifically addressed the question of listings provided by other local exchange companies and ordered BellSouth to make these available as well. Thus, BellSouth is specifically required to make Sprint listings contained in its database available to all requesting third parties including CLECs.

Accordingly, BellSouth will make the appropriate Sprint Florida listings contained in the database available to third parties as of June 4, 1999. Thank you for your cooperation in this matter.

Sincerely,



Leo B. Shoemaker, Jr.
Director - Network Interconnection
Management Group

cc: Mr. Ben Poag
Director-Tariff & Regulatory
Sprint-Florida



4320 Shawnee Mission Parkway
Overland Park, KS 66204

June 3, 1999

Mr. Leo B. Shoemaker
Director Industry Relations
BellSouth Telecommunications, Inc.
Headquarters Building
600 North 19th Street
Birmingham, Alabama 35203

Dear Mr. Shoemaker:

I have received your fax dated May 28, 1999, dealing with the issue of the release of Sprint directory listings to third parties in Florida. Your correspondence indicates that BellSouth intends to release Sprint directory listings without compensation to Sprint effective June 4, 1999, which is not in compliance with the existing Directory contracts between Sprint and BellSouth.

Your letter to Sprint quotes FCC Rule, 47CFR, §51.217 (c) (3) (ii) and Florida PSC Order No. 98-1484-FOF-TP as the basis for BellSouth to release Sprint listings to third parties. Sprint agrees that BellSouth has an obligation to release listings in its directory databases to third parties. However, nowhere in the FCC rules or the Florida Order or FCC Docket No. 98-121 does it say that BellSouth shall provide those listings to third parties, with no compensation to Sprint as the owner of the listings.

If Sprint agreed to allow BellSouth to provide directory listings to third parties, with no compensation to Sprint, Sprint would suffer financial hardship in the form of lost DA listing revenues. In addition, BellSouth could repeatedly release Sprint DA listings to third parties for compensation.

Sprint has repeatedly offered to BellSouth the option of releasing Sprint directory listings to third parties so long as Sprint is compensated based on Sprint rates and price structure for its directory listing product. Sprint is anxious to work with BellSouth to minimize the administrative burden associated with paying Sprint for listings provided to third parties. Sprint is very willing to consider alternative settlements options that meet both Sprint's and BellSouth's needs in this area. BellSouth should be able to recover the costs of maintaining the settlements process through charges to the third parties receiving the listings. This is a

EXHIBIT D


Page 2
June 3, 1999
Mr. Leo B. Shoemaker

legitimate cost for providing these listings to third parties, and as such should be recovered from the cost causer in the transaction.

If BellSouth is unwilling to enter into a settlements arrangement to compensate Sprint for Sprint directory listings provided to third parties, BellSouth needs to remove Sprint listings from all BellSouth databases immediately, including Electronic White Pages.

Please call if you have questions or wish to discuss this issue further.

Sincerely,



Jack K. Burge
Group Manager- Local Carrier Markets

Cc: Mr. Ben Poag
Mr. Gene Lunceford



BellSouth Telecommunications, Inc. 205 371-2222
Headquarters Building
600 North 19th Street
Birmingham, Alabama 35203

Leo B. Shoemaker, Jr.
Director, Industry Relations

June 7, 1999

Mr. Jack Burge
National Account Manager
Sprint, Inc
Mailstop KSFRAWB0301
4220 Shawnee Mission Parkway
Fairway, KS 66205

Dear Mr. Burge:

This is in response to your June 3, 1999, letter concerning the release of Sprint's Directory Assistance (DA) listings to third parties. Your correspondence states that BellSouth should compensate Sprint for releasing Sprint listings to third parties. BellSouth does not agree with Sprint's stated position, nor is BellSouth in a position to enter into a settlement arrangement to compensate Sprint for DA listings provided to third parties.

Therefore, in accordance with your letter, in which you request BellSouth to "remove Sprint's listings from all BellSouth databases", BellSouth will comply by removing Sprint's DA listings from its databases in North Carolina, South Carolina and Tennessee, effective within thirty days from the date of this letter. BellSouth is not permitted to remove Sprint's EAS Florida listings from its DA database, as it is precluded from doing so by Florida PSC Rule 25-4.040(5). Accordingly, BellSouth will maintain these listings in its DA database without compensation to Sprint.

In light of Sprint's expressed desire that BellSouth remove all non-Florida-EAS Sprint listings from all BellSouth databases, BellSouth understands that Sprint wishes to cancel the Directory Assistance Listings Agreement dated June 16, 1998, between the parties. BellSouth has no objection to doing so and will prepare a document to memorialize such cancellation.

Sincerely,

Leo B. Shoemaker, Jr.

by sf
Leo B. Shoemaker, Jr. - Director

cc. Mr. Ben Poag

EXHIBIT "E"