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15 AUG 17 PM 4:34

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RECORDS AND
REPORTING

August 17, 1999

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

Re: Docket No. 990930-TL (Sprint Directory Listings)

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Sprint-Florida, Inc.'s Motion to Dismiss, 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.

Sincerely,

Michael P. Goggin
Michael P. Goggin

- AFA _____
- APP _____
- CAF _____
- CMJ 1
- CTR _____
- EAG _____
- ELG 1
- ENG 3
- EOC _____
- ESD _____
- ESD 1
- VAW _____
- OTH _____

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING


CERTIFICATE OF SERVICE
Docket No. 990930-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 17th day of August, 1999 to the following:

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

Sprint-Florida, Inc.
Mr. F. B. (Ben) Poag
P.O. Box 2214 (MC FLTLHO0107)
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1027
Fax. No. (407) 814-5700


Michael P. Goggin (sw)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: BellSouth Telecommunications, Inc.'s Petition for Emergency Relief to Compel Sprint-Florida, Inc. to Provide Directory Listings of Sprint's Customers In Florida.)	Docket No. 990930-TL
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)	Filed: August 17, 1999

RESPONSE OF BELLSOUTH TELECOMMUNICATIONS, INC. TO THE MOTION TO DISMISS OF SPRINT-FLORIDA, INC.

BellSouth Telecommunications, Inc. ("BellSouth") hereby responds to the Motion to Dismiss BellSouth's Petition for Emergency Relief (the "Motion") filed by Sprint-Florida, Inc. ("Sprint").

1. In its Motion, Sprint claims that BellSouth has not established a cause of action. Sprint's Motion, however, misinterprets BellSouth's claims.

2. As BellSouth makes clear in its petition, Sprint had an obligation pursuant to its contract with BellSouth and pursuant to Rule 25-4.040(5) to provide its directory listings, including EAS listings to BellSouth. Up until June 17, 1999, Sprint had fulfilled this obligation.

3. Also, under Commission Order No. 98-1484-FOF-TP, Federal Communications Commission Order 98-271 and 47 C.F.R. § 217, BellSouth is obligated to permit any competing provider of local exchange service to have access to its Directory Assistance database, including the listings provided to BellSouth by Sprint. As detailed in the Petition, BellSouth informed Sprint on December 10, 1998 that it was required to make these listings available to other carriers. Petition at ¶ 6.

4. On June 3, 1999, Sprint informed BellSouth that, unless BellSouth compensated Sprint for providing Sprint's Directory Assistance listings to third parties, BellSouth would be required to remove all Sprint listings from all BellSouth databases, including BellSouth's electronic White Pages. Petition at ¶ 9.

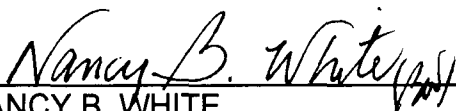
5. BellSouth responded by letter on June 7, 1999 and informed Sprint that the removal of Sprint's EAS listings from BellSouth's databases would be contrary to Rule 25-4.040(5), and that BellSouth intended to maintain such listings. Petition at ¶ 10. Sprint stopped sending new and updated listings to BellSouth on June 17, 1999. To avoid the possibility of including information in its databases that was no longer likely to be accurate, BellSouth removed Sprint's listings, including its EAS listings, from BellSouth's databases thereafter. *Id.* at ¶ 11.

6. BellSouth continues to meet its obligations under 47 C.F.R. § 217 and applicable Commission and FCC orders to make its Directory Assistance listings available to competing carriers. Nevertheless, the removal of Sprint's listings, particularly the EAS listings in the Orlando area, have made it difficult for BellSouth to provide complete Directory Assistance information to customers or competing carriers. Accordingly, BellSouth maintains that Sprint's decision to stop providing its listings to BellSouth violates Rule 25-4.040(5), and that it would be in the best interest of the public for the Commission to compel Sprint to provide its listings to BellSouth.


7. Sprint contends, in its Motion, that Rule 25-4.040(5), whether standing alone, or coupled with the Commission's general authority to act to further the public interest, is insufficient to give the Commission the authority to take the action BellSouth has requested. BellSouth maintains that its Petition states a cause of action and that the Commission has the authority under state law and the Commission's rules, to grant the relief requested.

For the reasons stated above, BellSouth respectfully requests that Sprint's Motion be denied.

Respectfully submitted this 17th day of August, 1999.



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