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ORIGINAL

April 21, 2000

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

000475-TP

Re: New Docket - Complaint Thrifty Call, Inc.

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Complaint, which we asked that you file in the above 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,

Lisa S. Foshee

Lisa S. Foshee (ms)

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

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

Complaint of BellSouth Telecommunications, Inc.)
Regarding the Practices of Thrifty Call, Inc. in) Docket No. _____
The Reporting of Percent Interstate Usage for)
Compensation for Jurisdictional Access Services) Filed: April 21, 2000

COMPLAINT

BellSouth Telecommunications, Inc. ("BellSouth"), through its undersigned counsel, hereby files this Complaint against Thrifty Call, Inc. ("Thrifty Call"), pursuant to Rules 28-106.201 and 25-22.036(4)(b), Florida Administrative Code and Chapters 364 and 350, Florida Statutes (1999).

In support hereof BellSouth states as follows:

1. BellSouth submits that Thrifty Call is intentionally and unlawfully reporting erroneous Percent Interstate Usage ("PIU") factors to BellSouth in violation of BellSouth's Intrastate Access Tariff and the rules and regulations established by the Florida Public Service Commission. See Section E2.3.14 Jurisdictional Report Requirements. The intentional and unlawful PIUs provided by Thrifty Call result in the underreporting of intrastate terminating access minutes terminated to BellSouth. As a result, BellSouth has been damaged in an amount of approximately two and one-half million dollars (and continues to be damaged) through the loss of intrastate access revenues associated with the services provided to Thrifty Call.

2. BellSouth requests that the Commission take all appropriate action under the circumstances to protect BellSouth from further financial harm. Specifically, BellSouth requests that the Commission (1) find that Thrifty Call has intentionally and unlawfully reported PIUs and thereby has caused BellSouth financial harm; (2) order

Thrifty Call to refrain from further intentional and unlawful reporting on a going-forward basis; and (3) order Thrifty Call to produce an accounting of past PIU reporting and minutes of use sufficient to enable BellSouth to calculate its damages. BellSouth further states that this Complaint shall serve as notice to the Commission that BellSouth intends to discontinue service to Thrifty Call pursuant to BellSouth's Intrastate tariff. Finally, BellSouth requests such other relief as may be necessary and appropriate under the circumstances, including the imposition of appropriate fines on Thrifty Call.

3. BellSouth is an incumbent local exchange carrier certified to provide local exchange services in the state of Florida. BellSouth is a Georgia corporation with its principal place of business at 675 West Peachtree Street, N.E., Atlanta, Georgia, 30375. Among other services, BellSouth provides terminating access to interexchange carriers (IXCs) certificated by the Commission.

4. Thrifty Call is an IXC certificated by the Commission to provide interexchange service in the State of Florida. Thrifty Call subscribes to BellSouth's intrastate terminating access tariff. Its business address, according to Commission records, is 401 Carlson Circle, San Marcos, Texas, 78666.

5. BellSouth and Thrifty Call use the PIU reporting method to determine the jurisdictional nature of the traffic being exchanged by the parties and the resulting appropriate billing rates for such traffic. The PIU factor provided by Thrifty Call to BellSouth is 98% which means that according to Thrifty Call, 98% of terminating access minutes sent by Thrifty Call to BellSouth are interstate minutes. BellSouth uses the PIU to bill Thrifty Call either for interstate terminating access minutes or intrastate terminating access minutes depending on the PIU. In Florida, the intrastate access rate is

higher than the interstate access rate; thus, it costs Thrifty Call less in switched access charges to terminate interstate minutes than it does to terminate intrastate minutes.

6. From January, 1998, through March, 1999, Thrifty Call sent a negligible amount of interstate and intrastate terminating traffic to BellSouth (less than 5 million minutes). In March, 1999, however, while the terminating intrastate minutes remained relatively constant, the terminating interstate minutes increased abruptly to over 20,000,000 minutes per month. This dramatic change in traffic patterns, including the increase in interstate minutes with no corresponding increase in intrastate minutes, caused BellSouth to look more closely at the nature of the traffic being terminated for Thrifty Call.

7. To investigate the migration in traffic, BellSouth initiated test calls over the Thrifty Call network. BellSouth placed in excess of 131 test calls. The objective of the test call was to determine how calls that BellSouth knew to be intrastate calls affected Thrifty Call's PIU. BellSouth conducted its test calls as follows: First, BellSouth generated test calls with specific characteristics from the Mechanized AMA Test and Validation ("MATV") test lines. These lines are provisioned to appear as normal telephone lines in all BellSouth switches and use the same translations as other lines with the same class of service. BellSouth used such test lines to insure that the test results could be compared to expected results.

The MATV system initiates the test calls and tracks the completion of all calls. Once calls are completed, the MATV system receives an extract of all Automatic Message Accounting ("AMA") recordings that are generated by the network for calls associated with MATV test lines. This extract is provided by the billing system.

Once BellSouth obtains the extract, it is compared by MATV with the expected results and reports are generated for review by MATV and/or staff personnel. These reports can provide originating AMA, terminating AMA, and expected result data. From this data BellSouth determined how the call traversed out of the network on both the originating and terminating ends of the call.

8. As a result of this test, and to attempt to better establish a PIU for this IXC, BellSouth instituted a trap of the SS7 signaling information for calls between Thrifty Call and the BellSouth Golden Glades Access Tandem in Miami. The trap of the signaling information for 4,109 calls revealed that the calling party number was not delivered on any call. The relevance of this fact is that without this information it is impossible to determine the jurisdiction of the terminating traffic. Between the MATV test and the trap of the SS7 data, BellSouth demonstrated that Thrifty Call was transporting a majority of intra-state traffic, despite providing BellSouth of a PIU of 98%.

9. By letters dated January 18, 2000, January 31, 2000 and February 1, 2000, to Thrifty Call, BellSouth requested information to pursue an on-site audit of Thrifty Call to determine the PIU of traffic being terminated to BellSouth. In response, by letter dated February 10, 2000, Thrifty Call purported to agree to an audit, but on unreasonable terms. At the present time, BellSouth has been unable to conduct an expedient and meaningful audit of relevant information.

10. As outlined above, BellSouth has compelling documentation demonstrating that Thrifty Call is reporting terminating PIUs that are grossly overstated as a result of reporting as jurisdictionally interstate the intrastate traffic terminated by Thrifty Call to BellSouth. BellSouth requests that the Commission find that Thrifty Call

is intentionally and unlawfully reporting traffic, and that BellSouth has been financially damaged by such intentional and unlawful reporting.

11. In order to protect BellSouth from further financial damage, BellSouth requests that the Commission order that Thrifty Call cease from further intentional and unlawful reporting of traffic and accept this Complaint as notice that BellSouth intends to terminate service to Thrifty Call pursuant to BellSouth's tariff.

12. In addition to the direct financial harm to BellSouth, the actions of Thrifty Call allow Thrifty Call to gain an unfair advantage in the competitive long distance marketplace. To the extent that Thrifty Call is paying BellSouth the interstate rate level for terminating intrastate calls, Thrifty Call effectively is receiving an unlawful discount for services for which similarly situated (terminating access) customers pay the higher intrastate rates. BellSouth is involuntarily providing the discount by relying in good faith on Thrifty Call's incorrect PIU factor reports.

13. The Commission has the authority to conduct a limited proceeding regarding any matter within its jurisdiction. *See* Section 364.058, Florida Statutes. This would include matters of unlawful reporting of PIU factors and underpayment of revenues due under applicable tariffs subject to the Commission's jurisdiction. The Commission is authorized to review any contract for the joint provision of intrastate service if that joint provision of service is detrimental to the public interest and authorized to adjudicate disputes thereunder. *See* Section 364.07(2), Florida Statutes. The Commission also is authorized to assess a penalty of \$25,000 per day for willful violations of Commission orders, rules or Chapter 364. Finally, the Commission has the authority to seek injunctive relief in court if necessary to compel compliance with the

provisions of Chapter 364 or Commission Rules. Together, these provisions of Chapter 364 provide ample authority to adjudicate this matter and order all appropriate relief.

14. A review of the evidence in support of this Complaint will demonstrate that Thrifty Call has intentionally distorted the PIU factors in order to avoid paying BellSouth the full amount of the tariffed intrastate access charges. Thrifty Call has benefited at the expense of BellSouth.

15. BellSouth has requested information from Thrifty Call to try to resolve this matter. Such information has not been forthcoming. The resulting direct damages to BellSouth (in the form of lost revenues) are significant and will continue to grow until such time as Thrifty Call is prevented from engaging in such further intentional and unlawful reporting and factor changes are implemented.

WHEREFORE, for the above stated reasons, BellSouth respectfully requests the Commission to do the following:

1. Find that Thrifty Call has intentionally and unlawfully reported traffic as interstate rather than intrastate and that BellSouth has been financially harmed as a direct result of such intentional and unlawful reporting;
2. Order Thrifty Call immediately to comply with BellSouth's request for an accounting of past PIU reporting and minutes of use sufficient to enable BellSouth to calculate its damages;
3. Order or seek all such other relief as may be necessary under the circumstances, including the imposition of appropriate fines on Thrifty Call and injunctive relief in the appropriate Circuit Court,

and such further relief as BellSouth may request pending the receipt and evaluation of the information requested from Thrifty Call.

Respectfully submitted, this 21st day of April, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (P/W)

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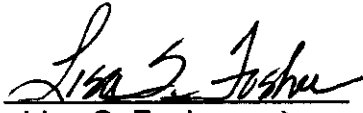
CERTIFICATE OF SERVICE
New Docket - Complaint Thrifty Call, Inc.

I HEREBY CERTIFY that a true and correct copy of BellSouth
Telecommunications, Inc.'s Complaint against Thrifty Call Inc., was served via U. S.

Mail this 21st day of April, 2000 to the following:

Staff Counsel
Florida Public Service Commission
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Tallahassee, Florida 32399-0850

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Lisa S. Foshee
(for)