

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for certificate to)
provide interexchange telecommunications)
service by Bell Atlantic Network Data, Inc.)
_____)

Docket No. 000789-TT

**BELL ATLANTIC NETWORK DATA, INC.'S PETITION FOR WAIVER OF
BOND REQUIREMENT IN
RULE 25-24.490(2), FLORIDA ADMINISTRATIVE CODE**

Bell Atlantic Network Data, Inc. ("BAND"), by and through undersigned counsel, requests a waiver of the bond requirement in Florida Administrative Code Rule 25-24.490(2). In support of its Petition for Waiver, BAND states:

1. BAND is a wholly owned subsidiary of Bell Atlantic Corporation.

BAND's headquarters are located at 1095 Avenue of the Americas, 41st Floor, New York, New York 10036.

2. BAND is filing this Petition for Waiver simultaneously with filing its Application for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida ("IXC Application"). In response to Item 23.A.3 of the IXC Application, BAND has provided substantial evidence of its financial strength. BAND's response to Item 23.A.3 and the Exhibits associated therewith are incorporated in this Petition by this reference.

3. Rule 25-24.490(2) states:

An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial

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resources and income to provide assurance of continued operation under its certificate over the long term.

4. BAND intends to collect deposits and/or advance payments for more than one month of service in connection with its provision of interexchange telecommunications service in Florida. Accordingly, Rule 25-24.490(2) requires that BAND either: (1) maintain on file with the Commission a bond covering its balance of deposits and advance payments, or (2) obtain a waiver of the bond requirement from the Commission.


5. Waiver of the bond requirement is appropriate because of the strong financial position of BAND's parent company, Bell Atlantic Corporation, and BAND's reliance on the financial position of Bell Atlantic Financial Services, Inc. ("BAFSI"), also a wholly-owned subsidiary of Bell Atlantic Corporation. The financial information that BAND has submitted in response to Item 23, A.3. of the IXC Application clearly shows that BAND has the requisite financial resources to provide service under its certificate over the long term. It also shows that BAND has the financial strength and stability to protect the security of its customers' deposits and advanced payments. Thus, the underlying purpose of Rule 25-24.490(2) and the statutory provisions it implements will be served if the Commission grants BAND a waiver of the bond requirements.

6. Granting BAND a waiver of the bond requirement also would follow Commission precedent. Indeed, the Commission has previously granted waivers of the bond requirements to other similarly situated telecommunications companies.

See, e.g. In re: Petition for waiver of Rule 25-24.490(2), F.A.C. which requires a bond to secure customer deposits by Allnet Communications Services, Inc. d/b/a Frontier Communications Services, 99 F.P.S.C. 4: 261, Docket No. 990027-TI, Order No. PSC-99-0685-FOF-TI (April 7, 1999); In re: Request for waiver of Rule 25-24.490(2), F.A.C., Bond Requirement, by Time Warner AxS of Florida, L.P., d/b/a Time Warner Communications, 98 F.P.S.C. 11:370, Docket No. 981041-TI, Order No. PSC-98-1568-FOF-TI (Nov. 23, 1998). Failure to follow this precedent and grant BAND a waiver would violate principles of fairness.

WHEREFORE, BAND requests that the Commission grant a waiver of the bond requirement pursuant to Rule 25-24.490(2) for deposits and/or advance payments (for more than one month of service) held by BAND in connection with its provision of interexchange services in Florida.

Dated this 29th day of June, 2000.



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