

NANCY B. WHITE
General Counsel - Florida

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

ORIGINAL
RECEIVED - FPSC
NOV 13 PM 4:42
RECORDS AND REPORTING

November 13, 2000

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

Re: Docket Nos. (990455-TL) consolidated with Docket Nos. 990456-TL, 990457-TL and 990517-TL

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Withdrawal or Modification of Proposed Agency Action, or, in the Alternative, Formal Hearing, which we ask that you file in the captioned docket.

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,

Nancy B. White
(psw)

Nancy B. White

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

APP _____
CAE _____
CMP 3
COM _____
CTR _____
ECR _____
LEG Vaccaro
OPC _____
PAI _____
RGO _____
SEC _____
SER _____
OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Done 11/20/00

DOCUMENT NUMBER-DATE

14604 NOV 13 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Request for review of)
Proposed numbering plan relief)
For the 305/786 area code - Dade)
County and Monroe County/Keys)
Region)
_____)

Docket No. 990455-TL
Filed November 13, 2000

PETITION FOR WITHDRAWAL OR MODIFICATION OF PROPOSED AGENCY ACTION, OR, IN THE ALTERNATIVE, FORMAL HEARING

BellSouth Telecommunications, Inc. ("BellSouth"), hereby objects to the proposed agency action order issued by the Commission in this matter on October 20, 2000 (Order No. PSC-00-1937-PAA-TL)(the "Order") and requests, pursuant to Rules 25-22.029 and 28-106.201 of the Florida Administrative Code, that the proposed agency action portion of the Order be withdrawn, modified, or, in the alternative, that the Commission hold a formal hearing. In support of its petition, BellSouth states:

1. The agency affected by this petition is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. The Petitioner is BellSouth Telecommunications, Inc. ("BellSouth"). BellSouth's address is 675 W. Peachtree Street, Atlanta, Georgia. Notices regarding this matter should be directed to the Petitioners' representative, whose name, address and telephone number appears below.

3. BellSouth would be substantially affected because the proposed agency action would change the scope of its local calling areas, result in changes to the rates it charges to its subscribers and would affect the ability of BellSouth to obtain growth codes.

DOCUMENT NUMBER-DATE

14604 NOV 13 8

FPSC-RECORDS/REPORTING

4. The Petitioner received notice of the proposed agency action by obtaining a copy from the Commission.

5. Disputed issues of material fact in this matter include;

- a) Whether Rate Center Consolidation could be implemented prior to the exhaust of the 305 NPA;
- b) The extent to which Rate Center Consolidation would change the rates BellSouth charges its subscribers in the Keys and in Dade County;
- c) The type and amount of costs BellSouth and other carriers might incur in connection with the implementation of rate center consolidation in these areas; and
- d) The impact of rate center consolidation on the ability of carriers to obtain growth codes.

6. BellSouth asserts that the Commission lacks the statutory authority to order rate center consolidation because it would result in a change in BellSouth's rates. BellSouth is subject to price regulation under Section 364.051, Florida Statutes. Accordingly, the Commission does not have the authority to order changes to BellSouth's rates. Accordingly, BellSouth requests that the Commission withdraw the proposed agency action portion of its Order, which purports to order rate center consolidation, or modify it to reflect that the rate center consolidation is being implemented voluntarily by BellSouth and pursuant to agreement between the Office of Public Counsel and BellSouth. In the alternative, BellSouth requests a formal hearing,

pursuant to Section 120.57, Florida Statutes.

7. BellSouth understands that the Commission wishes to effect rate center consolidation in the Keys and in Miami-Dade County in order to conserve numbering resources in the 305 area code. The Commission has issued a proposed agency action that would require BellSouth to ballot its customers in the Keys and Miami-Dade County to see if they would be willing to pay a slightly higher rate for the local service they receive in exchange for the expanded local calling scope that rate center consolidation would necessitate. Order No. PSC-00-2055-PAA-TL (October 27, 2000). BellSouth is willing to voluntarily implement rate center consolidation provided that it will be permitted to recover, through changes to its rates, the costs of balloting and implementation (other than the operational support system upgrades), the loss of revenue that would result from such changes to its rate structure and a resolution of the access to numbering resources issue.

8. On November 8, 2000, BellSouth and the Office of Public Counsel entered into a stipulation and agreement in docket 920260-TL. As part of that agreement, BellSouth agreed to absorb the nonrecurring cost for the operational support system upgrades necessary to implement rate center consolidation and agreed to absorb the recurring cost of eliminating Extended Calling Service as a result of consolidating the seven Florida Keys rate centers into one.

9. If the Commission accepts the Stipulation and Agreement, there will no longer be any need to ballot customers in the Keys. Since BellSouth will absorb the nonrecurring costs for the operation support system upgrades and the recurring costs

of eliminating Extended Calling Service associated with rate center consolidation in the Keys, the agreement allows the Commission to implement rate center consolidation in the Keys without the need for a ballot. BellSouth did not agree to waive and, indeed, does not waive seeking the establishment of a new exchange in the Keys as a result of rate center consolidation.

10. If BellSouth's customers in Miami-Dade vote in favor of rate center consolidation, and there is a resolution to the cost, lost revenue and numbering resources issues, then BellSouth voluntarily would implement rate center consolidation in Miami-Dade. Accordingly, BellSouth requests that the Commission withdraw the proposed agency action portion of its order and modify the order to reflect that the rate center consolidation will be implemented voluntarily by BellSouth in Miami-Dade (if its customers approve, BellSouth recovers the resulting costs and lost revenues and numbering resources issues are resolved) and by agreement between the Office of Public Counsel and BellSouth in the Keys. In the alternative, the Commission must hold a formal hearing on this matter.

11. FCC Order No. 00-104 requires the filing of rate center level information to obtain additional numbering resources for growth. The requirement may limit the ability of a carrier in a rate center that has multiple switches to receive numbering resources to serve its customers. For example, in the FCC Order, growth codes will be assigned as a carrier demonstrates that its available numbers on a rate center basis is less than 6 months-to-exhaust (MTE). If Switches A and B are in a given rate center, and Switch A's MTE is 4 months, Switch B's MTE is 10 months, and the rate center's MTE is 8

months, the numbering administrator will not issue additional numbering resources to service customers in Switch A until the rate center MTE is less than 6 months.

Depending on the technology deployed in the rate center, customers may not be able to receive service due to the lack of numbers in Switch A. This potential problem of having access to numbering resources is increased with the implementation of rate center consolidation. The Commission should consider the potential adverse impact to a carrier's ability to access numbering resources as a result of rate center consolidation.

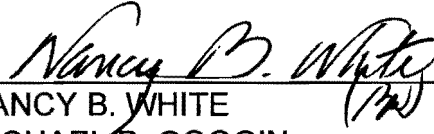
12. Reversal or modification is required pursuant to Section 364.051, Florida Statutes.

13. This protest does not affect any other portion of the proposed agency action order.

WHEREFORE, BellSouth protests the proposed agency action order, requests the Commission approve the settlement agreement between the Office of Public Counsel and BellSouth, and requests the Commission to permit voluntary rate center consolidation in Miami-Dade County (upon approval of its customers, recovery of costs of balloting and the loss of revenue that would result and resolution of the numbering resources issue) and in the Keys as contemplated by the settlement agreement and to consider the impact of rate center consolidation on the ability of carriers to obtain growth codes.

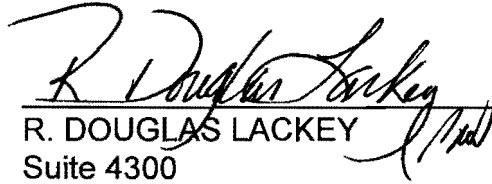
Respectfully submitted this 13th day of November, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE
MICHAEL P. GOGGIN

c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558



R. DOUGLAS LACKEY
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

235949

CERTIFICATE OF SERVICE
Docket Nos. (990455-TL), 990456-TL, 990457-TL and 990517-TL

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

U.S. Mail this 13th day of November, 2000 to the following:

Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Tel. No. (850) 413-6212
Fax No. (850) 413-6250

Bruce May
Holland Law Firm
Post Office Drawer 810
Tallahassee, FL 32302
Tel. No. (850) 224-7000
Fax No. (850) 222-8185

Richard H. Brashear
ALLTEL Florida, Inc.
206 White Avenue, S.E.
Live Oak, Florida 32060-3357
Tel. No. (904) 364-2517
Fax No. (904) 362-4950

Deborah L. Nobles
Northeast Fla. Tel. Co., Inc.
Post Office Box 485
Macclenny, Florida 32063-0485
Tel. No. (904) 259-0639
Fax No. (904) 259-7722

Gwen Azama-Edwards
City of Daytona Beach
Post Office Box 2451
Daytona Beach, Florida 32115-2451
Tel. No. (904) 258-3168

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

Comm. Wayne Gardner
City of Deltona
Post Office Box 5550
Deltona, Florida 32728-5550

Robert M. Weiss
Volusia County
123 W. Indiana Ave. Room #205
DeLand, Florida 32720
Tel. No. (904) 822-5750
Fax No. (904) 822-5795

Michael A. Gross
Florida Cable Telecomm. Assoc., Inc.
246 E. 6th Avenue
Tallahassee, Florida 32303
Tel. No. (850) 681-1990
Fax No. (850) 681-9676

Carole Joy Barice, Esq.
James A. Fowler, Esq.
Fowler, Barice, Feeney & O'Quinn, P.A.
28 West Central Blvd.
Orlando, FL 32801
Tel. No. (407) 425-2684

Angela Green, General Counsel
Florida Public Telecomm. Assoc.
125 South Gadsden Street
Suite 200
Tallahassee, FL 32301-1525
Tel. No. (850) 222-5050
Fax No. (850) 222-1355

Fritz Behring, City Manager
City of Deltona
P.O. Box 5550
800 Deltona Blvd.
Deltona, FL 32728
Tel. No. (407) 860-7160

Charles J. Rehwinkel
Susan Masterton
Sprint-Florida, Inc.
P.O. Box 2214
Tallahassee, FL 32399-2214
MC FLTLHO0107
Tel. No. (850) 847-0244

Joe Assenzo
Sprint PCS
Legal Department
49000 Main Street, 11th Floor
Kansas City, Missouri 64112
Tel. No. (816) 559-1000

Cheryl A. Tritt
Kimberly D. Wheeler
Morrison & Foerster, LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006
Tel. No. (202) 887-1500
Counsel for Lockheed Martin IMS

Harriet Eudy
ALLTEL Florida, Inc.
Post Office Box 550
Live Oak, Florida 32060

J. Jeffry Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
Tel. No. (850) 425-5471
Fax No. (850) 222-7560
Counsel for ALLTEL Florida

Peter M. Dunbar, Esq.
Karen M. Camechis, Esq.
Pennington, Moore, Wilkinson, Bell &
Dunbar, P.A.
Post Office Box 10095
Tallahassee, FL 32302
Tel. No. (850) 222-3533
Fax No. (850) 222-2126

Carolyn Marek
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069
Tel. No. (615) 376-6404
Fax No. (615) 376-6405

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
215 South Monroe Street
Suite 701
Tallahassee, FL 32301-1876
Tel. No. (850) 222-0720
Fax No. (850) 224-4359
E-Mail: fself@lawfla.com

Marshal Rule, Esq.
AT&T Communications of the Southern
States, Inc.
101 N. Monroe Street, Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6364
Fax No. (850) 425-6361

C. Lee Fordham
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Kenneth Hoffman
Rutledge Law Firm
Post Office Box 551
Tallahassee, FL 32302
Tel. No. (850) 681-6788
Fax No. (850) 681-6515
Attys. for Omnipoint Communications

Donna Clemons
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Kimberly D. Wheeler
Morrison & Foerster Law Firm
2000 Pennsylvania Avenue, NW
Washington, DC 20006
Tel. No. (202) 887-1500
Fax No. (202) 887-0763
Attys. For Lockheed Martin IMS

D. Wayne Milby
Lockheed Martin IMS
Communications Industry Services
1133 15th Street, N.W.
Washington, DC 20005
Tel. No. (202) 756-5600

Gloria Johnson
General Attorney
BellSouth Cellular Corp.
1100 Peachtree Street, N.E.
Suite 910
Atlanta, Georgia 30309-4599

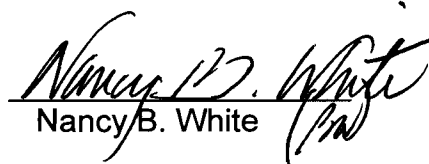
Kimberly Caswell
GTE Florida, Inc.
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
Tel. No. (813) 483-2617

Donna Canzano McNulty
MCI WorldCom, Inc.
325 John Knox Road
The Atrium, Suite 105
Tallahassee, Florida 32303
Tel. No. (850) 422-1254
Fax No. (850) 422-2586

Brian Sulmonetti
MCI WorldCom, Inc.
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
Tel. No. (770) 284-5493
Fax No. (770) 284-5488

Daniel H. Thompson
Berger Davis & Singerman
215 S. Monroe Street – Suite 705
Tallahassee, Florida 32301
Tel. No. (850) 561-3010
Fax No. (850) 561-3013
Attorney for ADT

Tim Vaccaro
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850


Nancy B. White