

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against BellSouth Telecommunications, Inc. for violation of service standards.

DOCKET NO. 991378-TL
DATED: MAY 31, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-1027-PCO-TL, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

<u>Witness</u>	<u>Issue</u>
1. Phil Trubelhorn	1, 2, 3, 4, 5 & 6

b. All Known Exhibits

<u>Exhibit</u>	<u>Description</u>
<u>(PRT-1)</u>	Florida Administrative Code Rule citations for the service rules violated by BellSouth Telecommunications, Inc.
<u>(PRT-2)</u>	Graphs of BellSouth's Periodic Reports (Schedules 2 & 11) for 1996 through 1999 showing the number of exchanges that missed the standards for installation of new primary service and restoration of interrupted service.

DOCUMENT NUMBER-DATE
06845 MAY 31 2001
FPSC-HEARING REPORT AG

<u>Exhibit</u>	<u>Description</u>
<p style="text-align: center;">_____ (PRT-3)</p>	<p>Graphs of BellSouth's Periodic Reports (Schedules 15 & 16) for 1996 through 1999 showing the answer time results for the business office and repair services.</p>
<p style="text-align: center;">_____ (PRT-4)</p>	<p>Results of staff's service quality evaluations of BellSouth from 1996 through 1999 involving rebates issued for service interrupted in excess of 24 hours.</p>
<p style="text-align: center;">_____ (PRT-5)</p>	<p>Graphs of BellSouth's Periodic Reports (Schedule 11) for 1996 through 1999 showing the number of exchanges that missed the clearing of service affecting trouble reports standard.</p>
<p style="text-align: center;">_____ (PRT-6)</p>	<p>Table of the Rules Violated and the Total Number of Reported Violations from January 1, 1996 through December 31, 1999.</p>

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties, Staff's service quality evaluations, and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions. Staff believes

that BellSouth Telecommunications, Inc. (BellSouth), during the period of January 1996 through December 1999, was in violation of Rule 25-4.070(3)(a), Florida Administrative Code, which requires restoration of interrupted service within 24 hours of report for 95% of the repairs in each exchange; Rule 25-4.073(1)(d), Florida Administrative Code, which requires 95% of all calls to repair services to be transferred to a live attendant within 55 seconds when utilizing a menu driven, automated, interactive answering system; Rule 25-4.073(1)(d), Florida Administrative Code, which requires 85% of all calls to the business office to be transferred to a live attendant within 55 seconds when utilizing a menu driven, automated, interactive answering system; Rule 25-4.066(2), Florida Administrative Code, which requires 90% of all requests for primary service in any calendar month to be satisfied within three working days; Rule 25-4.070(1)(b), Florida Administrative Code, which requires rebates to be issued to customers whose service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 hours after the report; and Rule 25-4.070(3)(b), Florida Administrative Code, which requires that clearing of service affecting trouble reports be scheduled to insure that at least 95% are cleared within 72 hours of the report. During the period in question, Staff has determined that BellSouth had 4,275 violations of Rule 25-4.070(3)(a), 132 aggregate violations of Rule 25-4.073(1)(d), 2,045 violations of Rule 25-4.066(2), 72 violations of Rule 25-4.070(1)(b), and 567 violations of 25-4.070(3)(b).

d. Staff's Position on the Issues

- ISSUE 1:** (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in wilful violation of Rule 25-4.070(3)(a), Florida Administrative Code, which requires restoration of interrupted service within 24 hours of report?
- (b) If so, how many violations were there, if any, and what is the appropriate action, penalty,

and/or fine amount to be imposed by the Commission for any violations.

- (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.070(3)(a), Florida Administrative Code.
- (b) There were 4,275 violations of Rule 25-4.070(3)(a), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majuere should be considered a mitigating factor in the violation of a service rule.

- ISSUE 2:**
- (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in wilful violation of Rule 25-4.073(1)(d), Florida Administrative Code, which requires 95% of all calls to repair services to be transferred to a live attendant within 55 seconds when utilizing a menu driven, automated, interactive answering system?
- (b) If so, how many violations were there, if any, and what is the appropriate action, penalty, and/or fine amount to be imposed by the Commission for any violations.
- (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.073(1)(d), Florida Administrative Code.
- (b) There were 85 violations of Rule 25-4.073(1)(d), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majuere should be considered a mitigating factor in the violation of a service rule.

ISSUE 3:

- (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in wilful violation of Rule 25-4.073(1)(d), Florida Administrative Code, which requires 85% of all calls to the business office to be transferred to alive attendant within 55 seconds when utilizing a menu driven, automated, interactive answering system?
- (b) If so, how many violations were there, if any, and what is the appropriate action, penalty, and/or fine amount to be imposed by the Commission for any violations.
- (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.073(1)(d), Florida Administrative Code.

- (b) There were 47 violations of Rule 25-4.073(1)(d), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majuere should be considered a mitigating factor in the violation of a service rule.

- ISSUE 4:**
- (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in wilful violation of Rule 25-4.066(2), Florida Administrative Code, which requires 90% of all requests for primary service in any calendar month to be satisfied within three working days?
 - (b) If so, how many violations were there, if any, and what is the appropriate action, penalty, and/or fine amount to be imposed by the Commission for any violations.
 - (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.066(2), Florida Administrative Code.
- (b) There were 2,045 violations of Rule 25-4.066(2), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majuere should be considered a

mitigating factor in the violation of a service rule.

- ISSUE 5:**
- (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in wilful violation of Rule 25-4.070(1)(b), Florida Administrative Code, which requires rebates be issued to customers whose service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 hours after being reported to the company?
 - (b) If so, how many violations were there, if any, and what is the appropriate action, penalty, and/or fine amount to be imposed by the Commission for any violations.
 - (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.070(1)(b), Florida Administrative Code.
- (b) There were 72 violations of Rule 25-4.070(1)(b), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majeure should be considered a mitigating factor in the violation of a service rule.

- ISSUE 6:**
- (a) During the period of January 1996 through December 1999, was BellSouth Telecommunications, Inc. in

wilful violation of Rule 25-4.070(3)(b), Florida Administrative Code, which requires that clearing of service affecting trouble reports be scheduled to insure at least 95% are cleared within 72 hours of report?

- (b) If so, how many violations were there, if any, and what is the appropriate action, penalty, and/or fine amount to be imposed by the Commission for any violations.
- (c) In determining the appropriate action to be taken, if any, for violation of a service rule, what factors in mitigation or aggravation, if any, should be considered?

POSITION

STAFF:

- (a) Staff believes that BellSouth did willfully violate Rule 25-4.070(3)(b), Florida Administrative Code.
- (b) There were 567 violations of Rule 25-4.070(3)(b), Florida Administrative Code. Staff believes the appropriate penalty should be comparable to that imposed in similar cases.
- (c) Staff's preliminary position is that nothing outside Force Majuere should be considered a mitigating factor in the violation of a service rule.

e. Pending Motions

There are no Pending Motions at this time.

f. Pending Confidentiality Claims or Requests

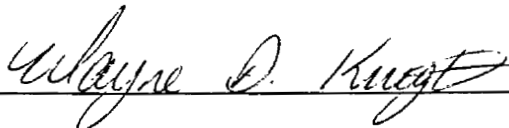
There are no pending Confidentiality Claims or Requests.

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g. Compliance with Order No. PSC-00-1027-PCO-TL

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 31st day of May, 2001.



WAYNE D. KNIGHT, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Gerald L. Gunter Building - Room 370
Tallahassee, Florida 32399-0863
(850)413-6199

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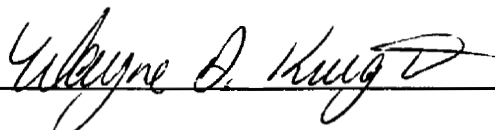
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's
Prehearing Statement has been furnished by U.S. Mail this 31st day
of May, 2001, to the following:

Ms. Nancy H. Sims
BellSouth Telecommunications,
Inc.
150 South Monroe Street
Suite 400
Tallahassee, FL 32301-1556

Mr. Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Suite 812
Tallahassee, FL 32399-1400

Mr. Michael A. Gross
Florida Cable Telecommunications
Assoc., Inc.
246 East 6th Avenue
Suite 100
Tallahassee, FL 32303



WAYNE KNIGHT
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6199