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BellSouth Telecommunications, Inc.  
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May 14, 2002

Mrs. Blanca S. Bayó  
Director, Division of The Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: BellSouth's Petition for Waiver of Rule 25-4.073(1)(f),  
Florida Administrative Code**

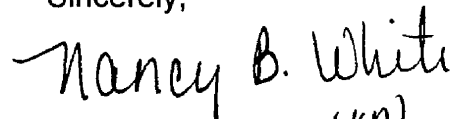
**020421-TL**

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Waiver of Rule 25-4.0073(1)(f), which we ask 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.

Sincerely,

  
Nancy B. White (KA)

Enclosures

cc: Marshall M. Criser III  
R. Douglas Lackey

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth )  
Telecommunications, Inc. for Waiver ) Docket No. \_\_\_\_\_  
of Rule 25-4.073(1)(f), Florida )  
Administrative Code )  
\_\_\_\_\_ ) Filed: May 14, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'s  
PETITION FOR RULE WAIVER**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.542, Florida Statutes and Rule 28-104.004, Florida Administrative Code, hereby petitions the Commission to waive rule 25-4.073(1)(f), Florida Administrative Code, prohibiting the placement of promotional or merchandising material in automated answering systems. Specifically, BellSouth seeks the following:

1. Rule 25-4.073(1)(f), Florida Administrative Code, states that automated, interactive answering systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.

2. Rule 25-4.073(1)(f), Florida Administrative Code, has been in effect in one form or other since 1968. As far as BellSouth can determine, subsection 1(f) has never been amended. While the prohibition against advertising messages may have been appropriate in a time when competition did not exist, enormous change has occurred in the telecommunications industry since 1968.

3. Competition is now present in the long distance, intraLATA toll, and local markets of telecommunications. Customers have many different choices of providers for each portion of their telecommunications needs and many different

service options within each segment. Customer knowledge is key to making informed decisions. As a result, BellSouth seeks the Commission' permission to place advertising material on its automated interactive answering system.

4. BellSouth's waiver request meets the standards of Section 120.542, Florida Statutes. The purpose of the underlying statutes, 364.01(4), 364.025, 364.03, 364.386 and 365.171 is, in part, to ensure that basic local telecommunications services are available to all consumers and to encourage and promote competition in order to ensure the widest possible range of consumer choice in the provision of all telecommunications services. Allowing advertising on BellSouth's automated answering systems will ensure customers have that choice by providing information on any specials that may be available. The waiver will also provide BellSouth with parity inasmuch as neither ALECs or IXC's are governed by this prohibition.

5. Granting of this waiver will not increase the time a customer spends on hold. BellSouth will continue to be responsible for meeting the answer time requirements contained in the remainder of Rule 25-4.073, Florida Administrative Code. Rule 25-4.073(1)(f), Florida Administrative Code.

6. BellSouth submits that the equities in this case weigh heavily in favor of granting this waiver.

7. For the foregoing reasons, BellSouth seeks a waiver of the advertising prohibition provisions of Rule 25-073(1)(f), Florida Administrative Code.

WHEREFORE, having demonstrated good cause for its request,  
BellSouth asks that the Commission grant its Petition for Rule Waiver.

Respectfully submitted this 14<sup>th</sup> day of May, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

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