



Public Service Commission  
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**DATE:** September 11, 2002  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Office of the General Counsel (Dodson) *MD*  
**RE:** Docket No. 020595-TL - Complaint of J. Christopher Robbins against BellSouth Telecommunications, Inc. for violation of Rule 25-4.073(1)(c), F.A.C., Answering Time.

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Please file the attached letter from R. Earl Poucher, dated September 9, 2002, in the docket file for the above-referenced docket.

LHD/lg

cc: Division of Competitive Markets & Enforcement (Buys, McDonald)

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JACK SHREVE  
PUBLIC COUNSEL

September 9, 2002

J. Christopher Robbins, J.D.  
P.O. Box 248392  
Coral Gables, FL 33134

Dear Mr. Robbins:

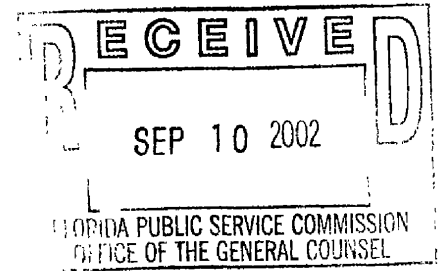
As we discussed in our recent meeting with the Florida PSC Staff, I have investigated the current service performance of BellSouth as it relates to Answertime rules and possible violations of the PSC Rules.

In order to provide you with some background, I have attached a copy of my testimony in Docket No. 991378-TL that was settled in 2001 by a stipulation between the Public Counsel and BellSouth and approved by the FPSC. This testimony included the specific rules in question, the rule violations by the company over a four year period, and conclusions and recommendations for penalties. BellSouth violated the Business Office Answertime rule 47 of the 48 months in question. BellSouth missed the Repair Service Answertime mark in 46 of the 48 months in question. My testimony concluded that the violations were, therefore, willful and recommended financial penalties because of the willful violations. In order to prove that the violations were willful, the burden of proof fell on the Office of Public Counsel and the Commission Staff to demonstrate that the violations were intentional. I would add that this is not a simple burden to prove.

I have reviewed BellSouth's most recent performance, and the answertime performance has improved significantly since our settlement. I have attached copies of two recent audits that reflected satisfactory answertime results for both Repair and Business Office Answertime. While the audits involved specific local exchanges in Florida, it would be easy to conclude that the results are reflective of overall Florida service, since both Repair and Business Office inward calls are switched to the most readily available call center in the state.

**STATE OF FLORIDA**  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
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Room 812  
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While BellSouth's most recent internal reports do not show 100% compliance with the answertime rules, I would conclude that the company is substantially in compliance with both Repair and Business Office measurements.

Finally, I have asked the PSC to conduct a file search of its complaints due to Answertime that have been received during the past 12 months. The files show only one complaint against BellSouth, and further investigation revealed that the company responsible was Sprint, not BellSouth.

In view of the above, as I discussed with you by telephone, our office would have no basis for filing a complaint against BellSouth for willful failure to comply with the answertime rules based on the current performance by the company.

This does not mean that you are not free to pursue your complaints against the company. But, frankly, it is my advice to you that you would have a difficult and time-consuming job ahead of you with, in my opinion, a very low possibility of victory.

I also asked BellSouth to determine whether there were different numbers used for DSL answering, as opposed to the regular Business Office and Repair numbers. It would appear that DSL customers have two separate numbers that can be used. Regular Repair and Business Office numbers are available to DSL customers, as well as the special numbers that are available to DSL customers alone. If you called the DSL number, those calls are received in Atlanta and are not measured by the PSC for rule compliance.

I hope this information will be of help to you.

Sincerely,



R. Earl Poucher

Senior Legislative Analyst  
Office of Public Counsel

CC: Nancy Sims, BellSouth  
Linda Dodson, PSC  
Charlie Beck, OPC