

ORIGINAL

REQUEST FOR CHANGE TO AGENDA CONFERENCE  
HAND DELIVER

Date of Request: 10/29/2002 Date of Agenda Conference: 11/5/2002 Item No. 38

Docket No.: 021062-TL Brief Title: BellSouth's Emergency Petition for Determination re. Implementation of Emergency Service Continuity Plan Tariff and Waiver of Rule 25-4.118, F.A.C.

Requested by:  Staff  Other BellSouth  
Please attach a copy of the written documentation filed (if other) \_\_\_\_\_ (Name)

STAFF's Recommendation to Executive Suite (IF OTHER)  Approve Request  Deny Request

ACTION REQUESTED [see APM 2.11 and SOP 1607]

- Defer Item to Agenda Scheduled Date: Indefinite
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [ see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120 525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary)

BellSouth Telecommunications, Inc. filed an emergency petition on October 21, 2002, requesting a determination as to whether sufficient justification exists for implementing the company's Emergency Service Continuity Plan Tariff and, if so, a waiver of Rule 25-4.118, F.A.C, for purposes of transferring customers from Supra Telecommunications and Information Systems, Inc. (Supra). On October 23, 2002, Supra filed with this Commission a Notice of Voluntary Bankruptcy with the United States Bankruptcy Court for the Southern District of Florida. Subsequent to Supra filing for bankruptcy, BellSouth requested an indefinite deferral of its petition by a filing dated October 28, 2002. Staff believes that an indefinite deferral is warranted since according to its filing dated October 28, 2002, BellSouth has ceased notifying Supra customers regarding discontinuance of service, and customers will not be discontinued unless circumstances change.

Signature (OPR Staff): [Signature]

Initials (OPR Division Director or Designee): [Initials]

Signature (Legal Staff): [Signature]

Initials (Legal Division Director or Designee): [Initials]

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request  Deny Request

Initials: MAB

Date: 10/29/02

Comments:

CHAIRMAN'S OFFICE:

Approve Request  Deny Request

Initials: [Signature]

Date: 10/29/02

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

BIANCA  
SANDY  
ROSE  
PSC/EXD-1 (03/02)

DOCUMENT NUMBER  
11846 OCT 29 02  
PSC-COMMISSION CLERK

**BellSouth Telecommunications, Inc.**  
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Tallahassee, FL 32301-1556

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**Marshall M. Criser III**  
Vice President  
Regulatory & External Affairs

850 224 7798  
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October 28, 2002

Mrs. Blanca S. Bayó  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket 021062-TP Petition for determination as to whether sufficient justification exists to implement Emergency Service Continuity Plan tariff and, if so, for emergency waiver of Rule 25-4.118, F.A.C., by BellSouth Telecommunications, Inc.

Dear Mrs. Bayo:

With regard to the above referenced docket, I am writing to request that the Commission indefinitely defer consideration of items 37 and 38 from the November 5, 2002 agenda.

Subsequent to BellSouth's filing of its Emergency Petition on October 21, 2002, Supra Telecom, on October 23, 2002, filed for Chapter 11 bankruptcy. BellSouth advised Supra in writing on October 25, 2002 that it has temporarily ceased notification to Supra customers that their service will be discontinued after a 14-day period. BellSouth further stated, in that same correspondence, that upon direct inquiry by a Supra customer regarding whether service will be discontinued after a 14-day period, BellSouth representatives will state that the service to that customer will not be discontinued, unless circumstances change.

For the above reasons, I believe that indefinite deferral of these items yields the most efficient use of the Commission's schedule and provides no detriment to the parties involved.



Should you have any questions please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall M. Criser III". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Marshall M. Criser III  
Vice President – Regulatory Relations

Cc: Commissioner Palecki  
Commissioner Baez  
Commissioner Bradley  
Dr. Mary Bane  
Walter D'Haeseleer  
Beth Keating  
Brian Chaiken  
Nancy White