



ORIGINAL

December 19, 2002

Ms. Blanca Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 021252-TP Petition of Florida Digital Network, Inc., for Expedited Review and Cancellation/Suspension Of BellSouth Telecommunications, Inc.'s Key Customer Tariff Filed December 16, 2002.

Dear Ms. Bayó,

Please find enclosed for filing in a **new docket** an original and seven (7) copies of the following: Florida Digital Network, Inc.'s Petition for Expedited Review and Cancellation/Suspension Of BellSouth Telecommunications, Inc.'s Key Customer Tariff Filed December 16, 2002.

Also enclosed is a diskette containing a Microsoft Word for Windows 2000 file of the foregoing document.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil  
Florida Digital Network  
General Counsel

02 DEC 20 PM 12:40

DISTRIBUTION CENTER

LOCAL

LONG DISTANCE

390 North Orange Ave Suite 2000 Orlando, Florida 32801  
407 835 0300 Fax 407.835.0309 www.fdn.com

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FPSC-COMMISSIONER OF EDU

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Digital Network, }  
Inc., for Expedited Review and Cancel- }  
lation or Suspension Of BellSouth }  
Telecommunications, Inc.'s Key Customer }  
Tariff Filing of December 16, 2002 }  
\_\_\_\_\_ }

Docket No. 021252-TP

Filed: December 20, 2002

**PETITION OF FLORIDA DIGITAL NETWORK, INC.,**  
**FOR EXPEDITED REVIEW AND CANCELLATION OR SUSPENSION OF**  
**BELLSOUTH TELECOMMUNICATIONS, INC.'S KEY CUSTOMER TARIFF FILING**  
**OF DECEMBER 16, 2002**

Florida Digital Network, Inc., ("FDN" or "Florida Digital") hereby petitions the Florida Public Service Commission ("FPSC" or "Commission") pursuant to Sections 364.3381, 364.01(4)(a), (c) and (g), Florida Statutes, to enforce Sections 364.01(4)(a), (c), and (g), 364.051(6), 364.08, 364.09, 364.10, and 364.3381, Florida Statutes, and, specifically, to immediately review and cancel or, alternatively, suspend or postpone, the Key Customer tariff reported as filed by BellSouth Telecommunications, Inc. ("BellSouth") on December 16, 2002,<sup>1</sup> to change the 2002 Key Customer program by altering availability through all or part of 2003. In support of its petition, FDN states as follows:

<sup>1</sup> BellSouth's website indicates that the tariff was filed on December 16, 2002, and FDN discovered the tariff on BellSouth's website on the morning of the 17<sup>th</sup>. FDN attempted but could not receive verification of the tariff filing from the Commission's website. Commission staff reported today that the tariff was received on December 13, after 5:00 p.m. and therefore deemed filed on December 16.

## BACKGROUND

1. FDN is an alternative local exchange carrier (“ALEC”) certificated by the FPSC. Therefore, FDN is a substantially affected competitor of BellSouth and, as such, has standing to file this proceeding. In addition, FDN is a retail business class customer of BellSouth.<sup>2</sup>

2. The Petitioner’s name, address and telephone number is:

Florida Digital Network, Inc.  
390 North Orange Ave.  
Suite 2000  
Orlando, FL 32801  
407-835-0300

3. The Petitioner’s representative’s name, address and telephone number is:

Matthew Feil  
Florida Digital Network, Inc  
390 North Orange Ave.  
Suite 2000  
Orlando, FL 32801  
407-835-0460

4. BellSouth is a corporation organized and formed under the laws of the State of Georgia, having an office at 675 West Peachtree Street, Atlanta, Georgia, 30375. BellSouth provides local exchange and other services within its legacy franchised areas in Florida. BellSouth is a “Bell Operating Company” and an “incumbent local exchange carrier” (“ILEC”) under the terms of the Federal Telecommunications Act (“the Act”) and is certificated as a Florida ILEC.

5. In pending Dockets Nos. 020119 and 020578, consolidated for purposes of hearing and disposition, the Commission is to consider the legality of certain BellSouth’s Key Customer Programs as tariffed, the proper criteria by which the Commission should evaluate the legality of future BellSouth promotions, and various matters relative to BellSouth’s winback programs.

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<sup>2</sup> Some of FDN’s regional offices receive BellSouth retail service.

This FDN Petition concerns a tariff BellSouth reports to have filed December 16, 2002, without having provided FDN or other ALECs proper notice. A copy of BellSouth's Tariff Distribution documents, including the tariff, as printed from BellSouth's website, is attached hereto and marked "Exhibit A."

6. In accordance with the terms of BellSouth's existing 2002 Key Customer tariff filing (Tariff No. T-020595), the 2002 Key Customer Program was to expire on December 31, 2002. Exhibit A is BellSouth's attempt to change the extinguishment of the 2002 Key Customer through a new tariff filing (hereinafter referred to as the "2003 Key Customer" tariff). The Purpose Section on the first page of Exhibit A states that the purpose of the filing is: "Key Customer Promotion 1/2/03 – 12/31/03." The first page of the tariff itself, however, indicates an expiration date of July 1, 2003, so the expiration date of the tariff is unclear. The expiration date notwithstanding, the tariff cannot be legally implemented as BellSouth proposes, as explained below.

7. While FDN maintains that this new tariff filing should be cancelled for the same reasons FDN asserted the prior Key Customer tariffs (Tariff No. T-020035 and T-020595) should be cancelled, FDN's focus herein is that BellSouth did not provide proper notification before filing this new tariff and, therefore, the new tariff should not be permitted to go into effect.

8. FDN incorporates herein by reference, or, if necessary, asks the Commission to take official notice of, FDN's pleadings and prefiled testimony and exhibits in Dockets Nos. 020119 and 020578 such that the materials FDN has submitted in those cases may be considered in this

case.<sup>3</sup> The 2003 Key Customer tariff should be cancelled for the reasons set forth in those materials. Moreover, as detailed below, the 2003 Key Customer tariff should be cancelled or suspended because BellSouth did not fulfill its obligation to provide notice of the tariff change.

9. BellSouth has admitted that it “is obligated to post notifications of any promotional offerings on its website forty-five (45) [days] prior to the effective date of the promotion.” See attached excerpt of Mr. John Ruscilli’s prefiled direct testimony (page 14, line 17-19) filed in Dockets Nos. 020119 and 020578, attached hereto and marked “Exhibit B.” Further, in its March 5, 2002, Response to FDN’s Petition in Docket No. 020119 (“Response”), BellSouth admits this obligation. See, e.g. BellSouth Response at p. 3. Indeed, in that Response, BellSouth alleged repeatedly that FDN had 45 days’ advance notice of the Key Customer tariffs and should not be heard to complain about them after implementation.

10. According to BellSouth, the 45 days’ notice requirement stems from interconnection agreement obligations. See Response at p. 3. The MCIIm – BellSouth interconnection agreement which FDN and a number of other ALECs have opted into contains the 45 day notice obligation. The page of the MCIIm interconnection agreement which FDN believes pertinent is attached hereto and marked “Exhibit C.” The relevant language (in Section 1.2.1.1) obligates BellSouth to

notify [ALEC] of **any proposed changes** in terms and conditions under which BellSouth offers Telecommunications Services to subscribers who are not Telecommunications Service providers or carriers, including but not limited to the introduction or discontinuance of any features, functions, services, promotions or changes in retail rates **at least** forty-five (45) days prior to the effective date of such change, or concurrent with BellSouth’s internal notification process for such change.

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<sup>3</sup> Staff and BellSouth already have copies of these materials. If necessary, FDN will file and serve additional copies of those materials for the instant docket, but FDN asks that it not be required to do so in order to avoid needless additional administrative burden for all involved and to avoid additional expense.

(Emphasis added.)<sup>4</sup> Thus, any and all changes to BellSouth's terms or conditions for non-carrier subscribers are supposed to be noticed at least 45 days in advance.

11. Attached hereto and marked "Exhibit D" is a printout dated December 11 of BellSouth's Florida Tariff Notifications from BellSouth's website.<sup>5</sup> As Exhibit D shows, as of December 11, BellSouth had not posted tariff notification that it would file the 2003 Key Customer tariff. The Commission should note, however, that BellSouth posted notice for other promotions and that the last page of Exhibit D reflects BellSouth's 45-day notification of the Key Customer tariff that eventually became T-020595.

12. Attached hereto and marked "Exhibit E" is a printout dated December 19 of BellSouth's Florida Tariff Notifications from BellSouth's website. As Exhibit E shows, even as of December 19, a full three days **after** BellSouth reports to have filed a tariff with the Commission, BellSouth has not posted tariff notification that it would file a tariff change to reinstate or extend the prior Key Customer tariff.

13. BellSouth did not fulfill its obligation (and still has not fulfilled its obligation) to provide ALECs at least 45 days' advance notice for the proposed changes to non-carrier subscriber terms and conditions as contained in the 2003 Key Customer tariff. Clearly, the 2003 Key Customer tariff constitutes a change because it **changes the availability criteria of a prior tariff that expires on December 31, 2002**. Absent the change proposed by the 2003 Key Customer tariff, the Key Customer program would not exist as of December 31, 2002. A continuation or extension of any program with a specific duration or term is still a "proposed

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<sup>4</sup> This portion of the MCI agreement was an applicable term for FDN and BellSouth's interconnection agreement as of the time when the 2003 Key Customer tariff should have been noticed and at the time the tariff was filed. FDN and BellSouth's new-successor interconnection agreement has been filed and is pending Commission decision in Docket No. 010098.

<sup>5</sup> BellSouth has chosen to provide the required 45 day notice through website postings. BellSouth has not provided FDN any direct or actual notice of its intent to file the 2003 Key Customer Tariff.

change[] to terms and conditions.” To argue otherwise, as BellSouth may argue, amounts to asserting that a change is not a change, only some changes are. Thus, this 2003 Key Customer tariff is indisputably a change to the terms and conditions of a retail product and should have been noticed 45 days prior to the proposed effective date.

14. At the Prehearing Conference on December 16, 2002, in Docket Nos. 020119 and 020578, a continuance was granted at the request of several ALECs. FDN acquiesced in the continuance because (1) FDN believed that there should be opportunity for meaningful negotiations between the parties and (2) FDN reasonably believed FDN would not be further harmed by the Key Customer promotions during a 45 day continuance since no tariff notification had been posted on BellSouth’s website and the current Key Customer tariff would expire December 31, 2002. In not opposing a continuance, FDN acted reasonably and in reliance on BellSouth’s not posting a change 45 days in advance as required.<sup>6</sup> Instead of posting notice 45 days in advance as required, BellSouth simply filed the tariff.

15. Because BellSouth failed to fulfill its notice obligations for the 2003 Key Customer tariff, the Commission should bar BellSouth from implementing the 2003 Key Customer tariff as BellSouth proposes.<sup>7</sup> No other remedy will put ALECs like FDN in the position they would have been in had BellSouth fulfilled its obligation to post notice of tariff changes 45 days in advance. Now that FDN has monitored the BellSouth website for tariff notifications, and BellSouth did not follow the notification process for the 2003 Key Customer tariff, the notification process would, ironically, appear to be of less consequence to BellSouth. BellSouth

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<sup>6</sup> FDN had been checking the tariff notification portion of BellSouth’s website daily. A new Key Customer filing was not posted on the website.

<sup>7</sup> As stated above, FDN maintains that the tariff should be cancelled for the reasons set forth in its pleadings and testimony in Dockets Nos. 020119 and 020578.

must be held to the notice obligation to which it agreed,<sup>8</sup> has acknowledged,<sup>9</sup> and has followed previously.<sup>10</sup> BellSouth cannot now be heard to argue that pursuant to Chapter 364, Florida Statutes, it is entitled to have tariff changes effective 15 days after filing no matter what, regardless of what obligations it does not follow. BellSouth should be deemed to have waived that right by its acceptance of the notification obligation, its prior conduct, and other carriers' reliance on the notification process. There must be adequate and reasonable consequence to BellSouth's violation of its acknowledged duty, and FDN maintains that the proper remedy is to bar BellSouth from implementing the 2003 Key Customer tariff as proposed.

16. The Commission did not excuse BellSouth from the notification requirement when it voted on the staff recommendations in Dockets Nos. 020119 and 020578 or at any other time. Nor did any party stipulate to a waiver of the notice requirement.

17. According to its website, BellSouth filed the 2003 Key Customer tariff on December 16, 2002. Because BellSouth failed to provide 45 days notice of the rate change, FDN and the ALECs are now in the position where there is no Commission Agenda Conference between now and the January 1 (or January 2) effective date of the change. BellSouth should not be the beneficiary of the timing of its own lack of proper notification for the tariff filing. The earliest Agenda Conference available for a full Commission vote on this matter is January 7, 2003. Accordingly, FDN requests that the Commission immediately enter an order barring BellSouth from implementing the 2003 Key Customer tariff on the date BellSouth proposes, and FDN

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<sup>8</sup> Interconnection agreement terms are approved by Commission order and the terms of such agreements can be enforced by Commission order.

<sup>9</sup> As stated previously, in Docket No. 020119, BellSouth's Response repeatedly urged that the notification process should somehow defeat FDN's petition.

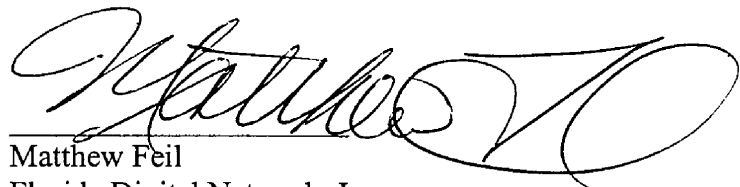
<sup>10</sup> BellSouth claimed in its Response in Docket No. 020119 that it followed the notification requirements for its Key Customer tariff filing (Tariff No. T-020035), and Exhibit D shows that BellSouth posted notification for the subsequent Key Customer tariff filing (Tariff No. T-020595).



requests that the Commission address this petition as soon as possible, preferably no later than the January 7, 2003 Agenda Conference.

WHEREFORE and in consideration of the above, Florida Digital Network, Inc. respectfully requests the Commission immediately issue an order to cancel or, in the alternative, suspend, the effectiveness of BellSouth's new Key Customer tariff for the reasons set forth hereinabove.

Respectfully submitted, this 19 day of December 2002.

A handwritten signature in black ink, appearing to read "Matthew Feil", written over a horizontal line.

Matthew Feil  
Florida Digital Network, Inc  
390 North Orange Ave.  
Suite 2000  
Orlando, FL 32801  
407-835-0460  
[mfeil@floridadigital.net](mailto:mfeil@floridadigital.net)

**TARIFF DISTRIBUTION**

FILE CODE: 680.3400

FILE PACKAGE NO.: FL2002-245

DATE:

December 16, 2002

STATE:

FLORIDA

EFFECTIVE DATE:

12/31/2002

TYPE OF DISTRIBUTION:

Pending

PURPOSE:

Key Customer Promotion 1/2/03 - 12/31/03

**TARIFF SECTION**

**PAGE NUMBER**

**PAGE REVISION**

A002

34.0.2.2

01

A002

34.0.2.3

01

**A2. GENERAL REGULATIONS**

**A2.10 Special Promotions (Cont'd)**

**A2.10.2 Descriptions (Cont'd)**

A. The following promotions are on file with the Commission: (Cont'd)

Area of Promotion	Service	Charges Waived	Period Authority
BellSouth's Service Territory	2002 Key Customer Program		

**Program Eligibility and Elements**

-Available to new and existing BellSouth business customers subscribing to local exchange service.  
 -Monthly BST revenue for subscriber's location must be \$75 to \$3,000 (excluding hunting, analog private line, and ISDN PRI revenue) to receive the rewards.  
 -Subscriber's location must be located in specified wire centers<sup>1</sup>  
 -Subscriber must sign a 24 or 36-month term election agreement.  
 -Participant must be a BST customer at the time of the reward. The reward amount for a given month is determined by multiplying the eligible billing amount by the applicable percentage rate. That reward amount will appear as a credit in the OC&C section of the Subscriber's bill in a subsequent billing period usually within one or two billing cycles.  
 -Subscribers with multi-locations that are BTN'd or CLUB billed may have all locations participate as long as one location is in an eligible location and one location meets the revenue requirement.  
 -Should Subscriber's charges decrease below \$75, the Subscriber will not receive the reward until the Subscriber's monthly charges meet this minimum TBR amount (\$75).  
 -Should Subscriber's charges exceed the \$3,000 threshold, the Subscriber will only receive the maximum reward allowed under this Program for monthly charges up to \$3,000.  
 -Subscribers with Centrex, MultiServ and ESSX with SLAs not meeting the per location revenue requirement may have all locations participate as long as it is billed under the same account and at least one location is located in a specified wire center.  
 -Once enrolled, if Subscriber moves to a location outside the specified wire center, the term election agreement will continue throughout the remaining term.  
 -Applicable taxes and fees will be based on the full tariff price of all products and services, and no taxes or fees will be added to the amount of any reward under this program.

-Customers who participate in this promotion and subscribe to new service during the promotional period, will receive a reward equal to the line connection charges associated with the service order. This will include the Line Connection Charge (first and additional lines, line equivalents and trunks).  
**Reward**  
 Monthly TBR - 24 months  
 \$75 - \$3,000 10%  
 Monthly TBR - 36 months  
 \$75 - \$3,000 20%  
 -50% Hunting Reward will be given on a contract period of 24 months.  
 -100% Hunting Reward will be given on a contract period of 36 months.  
 The total billed charges consists of end-user monthly billed BellSouth regulated charges at qualifying locations excluding: non-regulated charges, taxes, late payment charges, charges billed pursuant to federal or state access service tariffs, charges collected on behalf of municipalities (including, but not limited to services for 911 service and dual party relay services), and charges for services provided by other companies

Period Authority

06/26/02 to 07/01/03

(C)

Note 1: The list of hot wire centers that are eligible for this promotion is listed on Page 34.0.2.4.

**A2. GENERAL REGULATIONS**

**A2.10 Special Promotions (Cont'd)**

**A2.10.2 Descriptions (Cont'd)**

A. The following promotions are on file with the Commission: (Cont'd)

Area of Promotion	Service	Charges Waived	Period Authority
BellSouth's Service Territory	2002 Key Customer Program (Cont'd)		
	<p><u>Promotion Restrictions</u></p> <p>-Subscribers with aggregate annual billing, per state of BellSouth services exceeding \$36,000 at the time of enrollment, are not eligible to participate in this tariffed promotion.</p> <p>-Base and hunting rewards (for hunting service) apply only to BST regulated total billed charges within a state, not across states.</p> <p>-Subscribers participating in a Volume and Term Agreement CSAs are not eligible to participate in this promotion.</p> <p>-Subscribers with Analog Private Line or ISDN PRI services will not be included in qualifying revenue under this program or entitled to rewards.</p> <p>-This promotion may not be used concurrently with any previous or existing BellSouth Business Programs.</p> <p>-Subscribers currently participating under an existing BST SBS Small Business Promotion local exchange term election agreement may migrate to this promotion without incurring any termination liability from the existing program if the Subscriber has twelve (12) months or less remaining under the existing term election agreement for local exchange services with BellSouth, and the Subscriber agrees to another BST SBS Small Business local exchange term election agreement that provides for an equal or greater number of business access lines than their existing local exchange term election agreement. The new local exchange service term agreement will be based upon monthly business access line rates in effect at the time the new local exchange service term election agreement is effective.</p> <p>-Payment of the termination charge does not release the Subscriber from other previous amounts owed to BST.</p> <p>-BellSouth reserves the right to terminate this program at any time; provided, however, that Subscribers participating in the program will continue to receive this promotion for the remaining term of their term election agreement.</p>	<p>In the event the Subscriber terminates the election agreement, the Subscriber must pay to BellSouth a termination charge as provided below for the number of months remaining on the agreed upon term. In addition, the Subscriber shall reimburse all rewards for line connection charges. This termination charge will appear on the Subscriber's final bill as a charge in the OC&amp;C section.</p> <p>Monthly TBR          (at time of enrollment)          \$75-\$149.99      \$25.00*          \$150-\$3,000      \$40.00*</p> <p>*Set charge to be multiplied by number of months remaining on term after disconnect</p>	<p>06/26/02          to          07/01/03</p>
			(C)

# FILE COPY

1 BELLSOUTH TELECOMMUNICATIONS, INC.  
2 DIRECT TESTIMONY OF JOHN A. RUSCILLI  
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
4 DOCKET NOS. 020119-TP AND 020578-TP  
5 OCTOBER 23, 2002  
6

7 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH  
8 TELECOMMUNICATIONS, INC. ("BELLSOUTH") AND YOUR BUSINESS  
9 ADDRESS.

10

11 A. My name is John A. Ruscilli. I am employed by BellSouth as Senior Director for  
12 Regulatory and External Affairs for the nine-state BellSouth region. My business  
13 address is 675 West Peachtree Street, Atlanta, Georgia 30375.

14

15 Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF YOUR BACKGROUND  
16 AND EXPERIENCE.

17

18 A. I attended the University of Alabama in Birmingham where I earned a Bachelor of  
19 Science Degree in 1979 and a Master of Business Administration in 1982. After  
20 graduation I began employment with South Central Bell as an Account Executive in  
21 Marketing, transferring to AT&T in 1983. I joined BellSouth in late 1984 as an  
22 analyst in Market Research, and in late 1985 moved into the Pricing and Economics  
23 organization with various responsibilities for business case analysis, tariffing, demand  
24 analysis and price regulation. In July 1997, I became Director of Regulatory and  
25 Legislative Affairs for BellSouth Long Distance, Inc., with responsibilities that

1 Q. WHY IS IT IMPORTANT FOR THE COMMISSION TO CONSIDER THE  
2 PROMOTIONAL OFFERINGS OF BELLSOUTH'S COMPETITORS?

3

4 A. These promotional offerings represent the kind of competitive offers that BellSouth  
5 has to compete against on a daily basis in order to do business in Florida. As  
6 discussed above, BellSouth's competitors often condition their promotional  
7 discounts on the customer signing a term contract. Additionally, in many instances,  
8 BellSouth's competitors take advantage of their ability to bundle local service  
9 offerings with other offerings (some of which BellSouth cannot yet offer) by offering  
10 promotions that condition discounts on interLATA, intraLATA and local service on  
11 the customer signing a term contract for all of these services.

12

13 The promotional offerings of BellSouth's competitors also demonstrate the critical  
14 importance of speed to market in rolling out new promotions. Many of the ALECs  
15 promotional offerings are effective just one or two days after it is filed with the  
16 Commission. In contrast, BellSouth's promotional offerings are presumptively valid  
17 fifteen (15) days after the date of filing. Furthermore, BellSouth is obligated to post  
18 notifications of any promotional offerings on its website forty-five (45) prior to the  
19 effective date of the promotion. Unlike its competitors, therefore, BellSouth cannot  
20 roll out new promotions without first announcing its plans to its competitors well in  
21 advance.

22

23 This is significant because speed to market is important not only to the company  
24 offering the promotion, but also to the customers to whom the promotion is offered,  
25 because the sooner the offer is available, the sooner these customers can realize new

1.1.5.1 BellSouth and MCI shall, within 60 days of the Effective Date of this Agreement, develop and implement Work Center (Local Carrier Service Center) Interface Procedures for each function/business process.

## 1.2 Service Offerings

### 1.2.1 Changes in Retail Service Offerings

1.2.1.1 BellSouth shall notify MCI of any proposed changes in the terms and conditions under which BellSouth offers Telecommunications Services to subscribers who are not Telecommunications Service providers or carriers, including, but not limited to, the introduction or discontinuance of any features, functions, services, promotions, or changes in retail rates at least forty-five (45) days prior to the effective date of such change, or concurrent with BellSouth's internal notification process for such change. MCI recognizes that certain revisions may occur between the time BellSouth notifies MCI of a change pursuant to this Section and BellSouth's tariff filing of such change. BellSouth shall notify MCI of such revisions consistent with BellSouth's internal notification process but MCI accepts the consequences of such mid-stream changes as an uncertainty of doing business and therefore will not hold BellSouth responsible for any resulting inconvenience or cost incurred by MCI.

1.2.1.2 BellSouth shall notify MCI of any proposed changes in the terms and conditions under which it offers unbundled Network Elements including, but not limited to, the introduction or discontinuance of any features, functions, services, promotions, or changes in rates at least forty-five (45) days prior to the effective date of such change, or concurrent with BellSouth's internal notification process for such change. MCI recognizes that certain revisions may occur between the time BellSouth notifies MCI of a change pursuant to this Section and BellSouth's tariff filing of such change. BellSouth shall notify MCI of such revisions consistent with BellSouth's internal notification process but MCI accepts the consequences of such mid-stream changes as an uncertainty of doing business and therefore will not hold BellSouth responsible for any resulting inconvenience or cost incurred by MCI.



## Florida Tariff Notifications

Filing Package	Description	Effective Date	Notice Date	Posting Date
<u>FL2002-247</u>	Promotion- FL- BellSouth Business Rewards Plus	01/02/2003	11/14/2002	12/09/2002
<u>FL2002-200</u>	Wavelength Service	01/23/2003	08/28/2002	12/05/2002
<u>FL2002-250</u>	Promotion- FL-2003 BPP Service Connection Waiver Promotion	01/02/2003	11/14/2002	12/04/2002
<u>FL2002-264</u>	Promotion- FL-Privacy Director 1st Qtr 03 Promotion	01/10/2003	11/22/2002	11/22/2002
<u>FL2002-252</u>	Promotion- FL-2003 Basic Service Connection Waiver Promotion	01/02/2003	11/14/2002	11/14/2002
<u>FL2002-251</u>	Wireless Phase 2 Queries	01/02/2003	11/14/2002	11/14/2002
<u>FL2002-248</u>	Promotion- FL-Data Jump Start Promotion	01/02/2003	11/14/2002	11/14/2002
<u>FL2002-246</u>	Promotion- FL- Winning Choice Promotion	01/02/2003	11/14/2002	11/14/2002
<u>FL2002-249</u>	Promotion- FL-1st Qtr SBS Data Product Offer	01/03/2002	11/13/2002	11/13/2002
<u>FL2002-244</u>	Promotion- FL- 1Q2003 Core Complete Choice for Business Promo	01/02/2003	11/13/2002	11/13/2002
<u>FL2002-242</u>	Promotion- FL-Centrex 1st Qtr 03 Program	01/02/2003	11/13/2002	11/13/2002
<u>FL2002-241</u>	12 Month PRI Term Plan	12/23/2002	11/01/2002	11/01/2002
<u>FL2003-001</u>	1Q-2003 Price Increases	01/17/2003	10/16/2002	11/01/2002
<u>FL2002-227</u>	Promotion- FL- Additional Line Dial Up	11/18/2002	10/02/2002	10/24/2002
<u>FL2002-229</u>	Fast Packet CNM	12/21/2002	10/23/2002	10/23/2002
	Promotion- FL-			

Exhibit D

page 1 of 3



<u>FL2002-214</u>	Additional Line Acquisition	11/01/2002	09/16/2002	10/23/2002
<u>FL2002-235</u>	Service Expediting Charge	01/15/2003	10/21/2002	10/21/2002
<u>FL2002-210</u>	FL - Smartline	11/13/2002	09/13/2002	10/07/2002
<u>FL2002-162</u>	Announcement Facilities Elimination	11/14/2002	09/27/2002	09/27/2002
<u>FL2002-170</u>	NMLI	01/14/2003	07/31/2002	09/24/2002
<u>FL2002-213</u>	Promotion- FL-Hunting 4th Qtr Promotion	10/25/2002	09/10/2002	09/23/2002
<u>FL2002-206</u>	GSST Miscellaneous Fast Packet	11/04/2002	09/20/2002	09/20/2002
<u>FL2002-212</u>	Zero Minus Charging Emergency Service	10/24/2002	09/09/2002	09/10/2002
<u>FL2002-209</u>	Provider Data Service (ESPDS)	10/15/2002	09/05/2002	09/05/2002
<u>FL2002-207</u>	Promotion- FL-BPP Introductory Promotion	10/15/2002	08/30/2002	09/03/2002
<u>FL2002-196</u>	Promotion- FL-Residential Multi-Line Promotion	10/01/2002	08/15/2002	09/03/2002
<u>FL2002-142</u>	Florida rate increase	09/20/2002	06/28/2002	08/30/2002
<u>FL2002-143</u>	FL-Select Points	09/30/2002	07/02/2002	08/28/2002
<u>FL2002-203</u>	Remote Access Service	10/15/2002	08/26/2002	08/26/2002
<u>FL2002-191</u>	Promotion- FL-PRI 4th Qtr 02	10/01/2002	08/15/2002	08/21/2002
<u>FL2002-189</u>	Promotion- FL-MegaLink 4th Qtr 02	10/01/2002	08/15/2002	08/21/2002
<u>FL2002-181</u>	Centrex Clean-up 4	11/05/2002	08/16/2002	08/16/2002
<u>FL2002-187</u>	CCB Term Plan Clarifications	10/01/2002	08/16/2002	08/16/2002
<u>FL2002-195</u>	Promotion- FL-4Q Basic Core Offer	10/01/2002	08/15/2002	08/16/2002
<u>FL2002-194</u>	Promotion- FL-Complex Multi-Service Promo	10/01/2002	08/15/2002	08/16/2002
<u>FL2002-193</u>	Promotion- FL-Local Service Plus Two - 4th Qtr	10/01/2002	08/15/2002	08/15/2002
<u>FL2002-188</u>	Promotion- FL-Frame 4th Qtr 02	10/01/2002	08/15/2002	08/15/2002
<u>FL2002-190</u>	Delete PRI Single Number Routing Option	09/30/2002	08/15/2002	08/15/2002

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<u>FL2002-171</u>	Promotion- FL-BRI 4th Qtr 02 Promotion	09/16/2002	07/30/2002	08/15/2002
<u>FL2002-173</u>	Promotion- FL- Preferred Service Charge Installation Promotion	09/16/2002	08/02/2002	08/09/2002
<u>FL2002-147</u>	AIN Toolkit	09/19/2002	08/05/2002	08/05/2002
<u>FL2002-145</u>	ESSX rate increase	10/17/2002	08/02/2002	08/02/2002
<u>FL2002-168</u>	Promotion- FL- Preferred Pack Promo	09/10/2002	07/26/2002	07/26/2002
<u>FL2002-149</u>	Promotion- FL- Business Perks	08/19/2002	07/08/2002	07/17/2002
<u>FL2002-128</u>	Promotion- FL-Simple Solutions Promo	07/29/2002	06/13/2002	06/19/2002
<u>FL2002-131</u>	Promotion- FL-Svc Chg Install Fee Waiver Promo	07/29/2002	06/12/2002	06/12/2002
<u>FL2002-097</u>	Promotion- FL-3rd Qtr 02 Reacquisition	07/01/2002	05/17/2002	05/28/2002
<u>FL2002-096</u>	Promotion- FL- BellSouth Business Rewards Program	07/01/2002	05/17/2002	05/17/2002
<u>FL2002-094</u>	Promotion- FL-Key 2002	06/26/2002	05/10/2002	05/13/2002
<u>FL2002-075</u>	Promotion- FL- Essential Promo	05/20/2002	04/04/2002	04/04/2002
<u>FL2001-080</u>	Promotion- Bellsouth Solutions Plus	10/22/2001	06/01/2001	09/18/2001

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Mississippi North Carolina South Carolina Tennessee

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## Florida Tariff Notifications

Filing Package	Description	Effective Date	Notice Date	Posting Date
FL2002-272	Promotion- Complete Choice Privacy Director Promotion	02/13/2003	12/19/2002	12/19/2002
FL2003-009	Independent Firm Designation	02/03/2003	12/18/2002	12/18/2002
FL2002-247	Promotion- FL- BellSouth Business Rewards Plus	01/02/2003	11/14/2002	12/09/2002
<u>FL2002-200</u>	Wavelength Service	01/23/2003	08/28/2002	12/05/2002
FL2002-250	Promotion- FL-2003 BPP Service Connection Waiver Promotion	01/02/2003	11/14/2002	12/04/2002
<u>FL2002-264</u>	Promotion- FL-Privacy Director 1st Qtr 03 Promotion	01/10/2003	11/22/2002	11/22/2002
<u>FL2002-252</u>	Promotion- FL-2003 Basic Service Connection Waiver Promotion	01/02/2003	11/14/2002	11/14/2002
FL2002-251	Wireless Phase 2 Queries	01/02/2003	11/14/2002	11/14/2002
FL2002-248	Promotion- FL-Data Jump Start Promotion	01/02/2003	11/14/2002	11/14/2002
FL2002-246	Promotion- FL- Winning Choice Promotion	01/02/2003	11/14/2002	11/14/2002
<u>FL2002-249</u>	Promotion- FL-1st Qtr SBS Data Product Offer	01/03/2002	11/13/2002	11/13/2002
<u>FL2002-244</u>	Promotion- FL- 1Q2003 Core Complete Choice for Business Promo	01/02/2003	11/13/2002	11/13/2002
FL2002-242	Promotion- FL-Centrex 1st Qtr 03 Program	01/02/2003	11/13/2002	11/13/2002
<u>FL2002-241</u>	12 Month PRI Term Plan	12/23/2002	11/01/2002	11/01/2002
FL2003-001	1Q-2003 Price Increases	01/17/2003	10/16/2002	11/01/2002

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FL2002-227	Promotion- FL- Additional Line Dial Up	11/18/2002	10/02/2002	10/24/2002
FL2002-229	Fast Packet CNM	12/21/2002	10/23/2002	10/23/2002
<u>FL2002-214</u>	Promotion- FL- Additional Line Acquisition	11/01/2002	09/16/2002	10/23/2002
FL2002-235	Service Expediting Charge	01/15/2003	10/21/2002	10/21/2002
FL2002-210	FL - Smartline	11/13/2002	09/13/2002	10/07/2002
<u>FL2002-162</u>	Announcement Facilities Elimination	11/14/2002	09/27/2002	09/27/2002
<u>FL2002-170</u>	NMLI	01/14/2003	07/31/2002	09/24/2002
FL2002-213	Promotion- FL- Hunting 4th Qtr Promotion	10/25/2002	09/10/2002	09/23/2002
<u>FL2002-206</u>	GSST Miscellaneous Fast Packet	11/04/2002	09/20/2002	09/20/2002
<u>FL2002-212</u>	Zero Minus Charging	10/24/2002	09/09/2002	09/10/2002
FL2002-209	Emergency Service Provider Data Service (\ESPDS\)	10/15/2002	09/05/2002	09/05/2002
<u>FL2002-207</u>	Promotion- FL-BPP Introductory Promotion	10/15/2002	08/30/2002	09/03/2002
FL2002-196	Promotion- FL- Residential Multi-Line Promotion	10/01/2002	08/15/2002	09/03/2002
FL2002-143	FL-Select Points	09/30/2002	07/02/2002	08/28/2002
<u>FL2002-203</u>	Remote Access Service	10/15/2002	08/26/2002	08/26/2002
<u>FL2002-191</u>	Promotion- FL-PRI 4th Qtr 02	10/01/2002	08/15/2002	08/21/2002
FL2002-189	Promotion- FL- MegaLink 4th Qtr 02	10/01/2002	08/15/2002	08/21/2002
FL2002-181	Centrex Clean-up 4	11/05/2002	08/16/2002	08/16/2002
<u>FL2002-187</u>	CCB Term Plan Clarifications	10/01/2002	08/16/2002	08/16/2002
FL2002-195	Promotion- FL-4Q Basic Core Offer	10/01/2002	08/15/2002	08/16/2002
<u>FL2002-194</u>	Promotion- FL- Complex Multi-Service Promo	10/01/2002	08/15/2002	08/16/2002
FL2002-193	Promotion- FL-Local Service Plus Two - 4th Qtr	10/01/2002	08/15/2002	08/15/2002
<u>FL2002-188</u>	Promotion- FL-Frame 4th Qtr 02	10/01/2002	08/15/2002	08/15/2002

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FL2002-190	Delete PRI Single Number Routing Option	09/30/2002	08/15/2002	08/15/2002
FL2002-145	ESSX rate increase	10/17/2002	08/02/2002	08/02/2002
<u>FL2002-168</u>	Promotion- FL- Preferred Pack Promo	09/10/2002	07/26/2002	07/26/2002
<u>FL2002-149</u>	Promotion- FL- Business Perks	08/19/2002	07/08/2002	07/17/2002
FL2002-128	Promotion- FL-Simple Solutions Promo	07/29/2002	06/13/2002	06/19/2002
FL2002-131	Promotion- FL-Svc Chg Install Fee Waiver Promo	07/29/2002	06/12/2002	06/12/2002
FL2002-097	Promotion- FL-3rd Qtr 02 Reacquisition	07/01/2002	05/17/2002	05/28/2002
<u>FL2002-096</u>	Promotion- FL- BellSouth Business Rewards Program	07/01/2002	05/17/2002	05/17/2002
FL2002-094	Promotion- FL-Key 2002	06/26/2002	05/10/2002	05/13/2002
<u>FL2002-075</u>	Promotion- FL- Essential Promo	05/20/2002	04/04/2002	04/04/2002
FL2001-080	Promotion- Bellsouth Solutions Plus	10/22/2001	06/01/2001	09/18/2001

Alabama Florida Georgia Kentucky Louisiana  
Mississippi North Carolina South Carolina Tennessee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 19<sup>th</sup> day of December, 2002.

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