

ANGELA B. GREEN, P.A.

ATTORNEY AT LAW

ORIGINAL

8527 S.E. 71st Avenue
Ocala, Florida 34472

Telephone: (352) 347-9038
Facsimile: (352) 347-9048
Mobile: (352) 208-4866
E-mail: abgreen@angelabgreen.com

March 17, 2003

Blanca S. Bayó, Director
Division of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED
COMMISSION CLERK
MAR 17 AM 11:47

Re: Docket No. 030176-TP; Complaint by Davel Communications, Inc., parent company of Telaleasing Enterprises, Inc. (holder of PATS Certificate No. 2358), against BellSouth Telecommunications, Inc. concerning deposit requirements, and request for invocation of protections afforded by Rule 25-22.032(6), F.A.C., during pendency of complaint process

Dear Ms. Bayó:

Enclosed please find the original and seven (7) copies of:

- Davel Communications, Inc.'s ("Davel's") Reply to BellSouth Telecommunications, Inc.'s Answer; and
- Davel's Request for Confidential Classification Pursuant to Section 364.183(1), Florida Statutes.

An extra copy of this letter is enclosed. Please mark it to indicate that the originals were filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Angela B. Green
Angela B. Green

This confidentiality request was filed by or for a "telco" for DNO 2279-03. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

RECEIVED & FILED

M...

FPSC-BUREAU OF RECORDS

REPLY
DOCUMENT NUMBER-DATE
02539 MAR 17 8

Request for Confid.
DOCUMENT NUMBER-DATE
02540 MAR 17 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Davel Communications, Inc.,
Parent Company of Telaleasing Enterprises, Inc.
(holder of PATS Certificate No. 2358), Against
BellSouth Telecommunications, Inc. Concerning
Deposit Requirements, and Request for Invocation
of Protections Afforded by Rule 25-22.032(6),
F.A.C., During Pendency of Complaint Process

Docket No. 030176-TP

Filed: March 17, 2003

REPLY OF DAVEL COMMUNICATIONS, INC.

Davel Communications, Inc. ("Davel") hereby submits its Reply to BellSouth Telecommunications, Inc.'s ("BellSouth's") Answer to Davel's Complaint. BellSouth's Answer was filed with the Florida Public Service Commission ("FPSC" or "Commission") on March 6, 2003, but was not served on counsel for Davel until March 10, 2003.

In paragraphs 4 and 5 of BellSouth's Answer, BellSouth states that "the Master Services Agreement ("MSA") speaks for itself. BellSouth also states in paragraphs 4 and 5 of its Answer that the Commission's deposit rule and BellSouth's tariff provisions related to deposits "speak for themselves." Davel believes it is important to reiterate that while the MSA does "speak for itself," it is silent as pertains to deposits. Accordingly, the Commission's deposit rule and BellSouth's tariff provisions related to deposits will control the outcome of this controversy.

Throughout its Answer, BellSouth attempts to segment its deposit demands into a Florida only portion. Initially, Davel would note that BellSouth has made all of its deposit demands on a region-wide basis, with no separation as to jurisdiction. Davel is without sufficient information with which to determine the accuracy of BellSouth's initial deposit calculations, much less its newly created "proportionate" amount for Florida. Further, Davel is under continuing threat of access line terminations for alleged nonpayment of these deposit demands throughout the entire

DOCUMENT NUMBER-DATE

02539 MAR 17 8

FPSC-COMMISSION CLERK

BellSouth region, including Florida, with absolutely no indication of how much of its previous deposit, if any, BellSouth has applied to any particular jurisdiction. Davel has a substantial number of access lines in Florida and believes that those lines are in immediate jeopardy of unlawful disconnection of service because of this controversy.

Wherefore, based on the foregoing, as well as the information set forth in Davel's Complaint, Davel requests that the Commission: (1) extend the protections afforded by Rule 25-22.032(6), Florida Administrative Code, to Davel during the pendency of this Complaint; (2) enter an order denying BellSouth's request for additional deposit moneys from Davel; and (3) grant such other relief as the Commission finds appropriate.

Respectfully submitted this 17th day of March, 2003.

By: 
ANGELA B. GREEN

Angela B. Green, P.A.
8527 S.E. 71st Avenue
Ocala, Florida 34472-3465
Tel: 352-347-9038
Fax: 352-347-9048

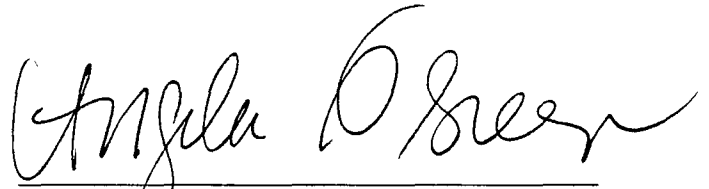
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail* Overnight Mail** or Hand Delivery*** this 17th day of March, 2003, to the following:

Nancy B. White, General Counsel-Florida
Meredith E. Mays, Regulatory Counsel
c/o Nancy H. Sims**
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Lee Fordham*
Division of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

By:



ANGELA B. GREEN

Angela B. Green, P.A.
8527 S.E. 71st Avenue
Ocala, Florida 34472-3465
Tel: 352-347-9038
Fax: 352-347-9048