

JAMES E. "JIM" KING, JR.

PRESIDENT



Charles J. Beck
Interim
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
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TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

JOHNNIE BYRD

SPEAKER



October 22, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 001503-TP

RECEIVED FPSC
OCT 22 PM 4:16
COMMISSION
CLERK

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Petition Requesting Hearing Pursuant to §120.57, Florida Statutes, and Protest of Proposed Agency Action for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Charles J. Beck
Interim Public Counsel

CJB/dsb

AUS _____
CAF _____
CMP _____
COM 5 _____
CTR _____
ECR _____
GCL _____
JPC _____
MMS _____
SEC 1 _____
OTH _____
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Enclosures

DOCUMENT NUMBER-DATE

10434 OCT 22 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and allocation issues for number pooling trials in Florida)
)
) Docket 001503-TP
)
) Filed October 22, 2003
)
_____)

**PETITION REQUESTING HEARING PURSUANT TO §120.57, FLORIDA STATUTES,
AND PROTEST OF PROPOSED AGENCY ACTION**

Pursuant to Rules 25-22.029 and 28-106.201, F. A. C., and §350.0611, Fla. Stat. (2002), the citizens of Florida (Citizens) file this petition to protest proposed agency action order no. PSC-03-1096-PAA-TP issued October 2, 2003, and request an evidentiary hearing under §120.57, Fla. Stat. (2002).

1. §350.0611, Fla. Stat. (2002) provides that it shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Commission. It specifically provides the Public Counsel the power to appear, in the name of the state or its citizens, in any proceeding or action before the Commission and urge therein any position which he or she deems to be in the public interest.

2. Citizens filed a notice of intervention in this docket on October 9, 2000, and the Florida Public Service Commission acknowledged our intervention in order PSC-01-0227-PCO-TP issued January 23, 2001 (PAA Order).

3. The action taken by the Florida Public Service Commission in its proposed agency action order no. PSC-03-1096-PAA-TI (PAA Order) affects the substantial interests

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of Citizens because the order would allow BellSouth to charge \$2,970,762 to end-user line customers of record as of June 30, 2003 (PAA order at 19, 21).

4. The name, address and telephone numbers of petitioner are as follows: Charles J. Beck, Interim Public Counsel, c/o Florida Legislature, 111 West Madison Street, room 812, Tallahassee, FL 32399-1400, telephone 850-488-9330, fax 850-488-4491.

5. Petitioner received notice of the Commission's decision by downloading a copy of order no. PSC-03-1096-PAA-TP from the Commission's web site on or about October 3, 2003.

6. BellSouth Telecommunications, Inc., holds certificate TL-720 from the Florida Public Service Commission as a local exchange telecommunications company. The Commission has jurisdiction over the company pursuant to chapter 364, Florida Statutes (2002).

7. The Florida Public Service Commission has no authority under chapter 364, Florida Statutes, to authorize BellSouth to surcharge its end-user customers for recovery of number pooling costs. Even if it had authority to impose such charges, the charges would violate the price-cap provisions set forth in §364.051, Fla. Stat. (2002). This statute limits the amount that may be charged users of basic local telecommunications services. And in any event, BellSouth has already recovered its number pooling costs many times over through past increases to basic and nonbasic telecommunications service rates.

8. Citizens submit the following disputed issues of material fact, policy, and law for resolution in a hearing conducted under §120.57, Florida Statutes (2002):

a. What rate increases to basic local telecommunications services have been implemented by BellSouth since January 1, 2000, and what has been the revenue impact of these rate increases?

b. What rate increases to nonbasic local telecommunications services have been implemented by BellSouth since January 1, 2000, and what has been the revenue impact of these rate increases?

c. Has BellSouth recovered its number pooling costs through the rate and revenue increases to basic and nonbasic services implemented since January 1, 2000?

d. What Florida statutes, if any, authorize the Florida Public Service Commission to impose the end-user charge set forth in the PAA order?

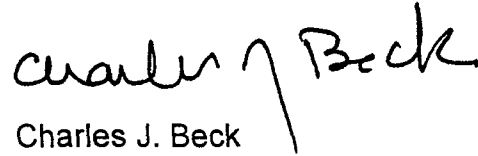
e. Is the end-user charge inconsistent with the policy of the Federal Communications Commission?

f. Does the end-user charge set forth in the PAA order violate §364.051, Fla. Stat. (2002)?

WHEREFORE, the Citizens protest the Commission's proposed agency action order

no. PSC-03-1096-PAA-TI issued October 2, 2003, and request an evidentiary hearing to be held pursuant to §120.57, Fla. Stat. (2002).

Respectfully submitted,

A handwritten signature in black ink that reads "Charles J. Beck". The signature is written in a cursive style with a large, sweeping "C" and "B".

Charles J. Beck
Interim Public Counsel
Fla. Bar No. 217281

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

(850) 488-9330

Attorney for Florida's Citizens

CERTIFICATE OF SERVICE
DOCKET NO. 001503-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U.S. Mail or Hand Delivery (*) this 22nd day of October, 2003, to the following:

BellSouth Telecommunications, Inc.
Nancy B. White
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Pennington Law Firm
Peter Dunbar
Karen Camechis
Post Office Box 10095
Tallahassee, FL 32302-2095
AT&T
101 North Monroe Street
Suite 700
Tallahassee, FL 32301-1549

Florida Cable Telecommunications Assoc.,
Michael A. Gross
246 East 6th Avenue, Suite 100
Tallahassee, FL 32303

J. Jeffry Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

Sprint-Florida, Incorporated
Susan S. Masterson
Post Office Box 2214
Tallahassee, FL 32316-2214

Time Warner Telecom of Florida, L.P.
Ms. Carolyn Marek
233 Bramerton Court
Franklin, TN 37069-4002

Verizon Florida Inc.
Kimberly Caswell
Post Office Box 110, FLTC0007
Tampa, FL 33601-0110

Verizon Wireless
Anne Hoskins, Esq.
1300 "Eye" Street, N.W.
Suite 400 W
Washington, DC 20005

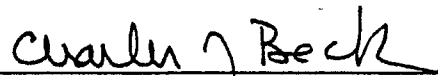
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Charles J. Beck
Interim Public Counsel