

ORIGINAL

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PRESIDENT



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JOHNNIE BYRD

SPEAKER



November 26, 2003

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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COMMISSION
CLERK

001503-TP
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Re: Docket Nos. ~~030867-TL, 030868-TL, 030869-TL & 030961-TL~~

Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets is the original and 15 copies of Citizens' Petition Requesting Hearing Pursuant to §120.57, Florida Statutes, and Protest of Proposed Agency Action.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

RECEIVED & FILED

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FPSC-BUREAU OF RECORDS

Sincerely,

Charles J. Beck

Charles J. Beck
Deputy Public Counsel

CJB:bsr

5 Enclosures

- AUS _____
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Done 12/03/03

DOCUMENT NUMBER - DATE

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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 November 26, 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. (2003), the citizens of Florida (Citizens) file this petition to protest proposed agency action order no. PSC-03-1270-PAA-TP issued November 10, 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-03-1270-PAA-TI (PAA Order) affects the substantial interests of Citizens because the order would allow Sprint to charge \$627,734 to end-user line customers of record as of June 30, 2003 (PAA order at 18).

4. The name, address and telephone numbers of petitioner are as follows: Charles J. Beck, Deputy 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-03-1270-PAA-TP from the Commission's web site on or about November 11, 2003.

6. Sprint holds a certificate 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 Sprint 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. (2003). This statute limits the amount that may be charged users of basic local

telecommunications services. And in any event, Sprint 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 Sprint 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 Sprint since January 1, 2000, and what has been the revenue impact of these rate increases?

c. Has Sprint 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?

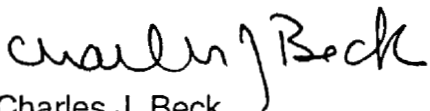
e. Is the end-user charge inconsistent with the policy of the Federal Communications Commission?

f. Does the end-user charge set forth in the PAA order violate §364.051, Fla. Stat. (2003)?

WHEREFORE, the Citizens protest the Commission's proposed agency action order no. PSC-03-1270-PAA-TI issued November 10, 2003, and request an evidentiary hearing to be held pursuant to §120.57, Fla. Stat. (2003).

Respectfully submitted,

Harold McLean
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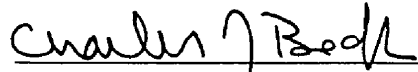
(850) 488-9330

Attorneys for Florida's Citizens

**DOCKET NO. 001503-TP
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 26th day of November, 2003.


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