

JAMES E. "JIM" KING, JR.
President

ORIGINAL

JOHNNIE BYRD
Speaker



STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330



Harold McLean
Public Counsel

Charles J. Beck
Deputy Public Counsel

June 11, 2004

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

Re: Docket No. 001503-TP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets is the original and 15 copies of Citizens' Response to the Motions of BellSouth and Sprint for Official Recognition of Orders.

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

Sincerely,

Charles J. Beck
Deputy Public Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cost recovery and)
allocation issues for number)
pooling trials in Florida)

Docket No. 001503-TP

Filed June 11, 2004

**CITIZENS' RESPONSE TO THE MOTIONS OF BELL SOUTH AND SPRINT FOR
OFFICIAL RECOGNITION OF ORDERS**

The Citizens of Florida (Citizens) file this response to the motions filed by BellSouth Telecommunications, Inc. (BellSouth) and Sprint-Florida, Incorporated (Sprint) on June 10, 2004, for official recognition of orders.

BellSouth offers no explanation why it waited until the date for filing briefs to ask for official recognition of an order issued on February 26, 2004, by the North Carolina Public Utilities Commission. Had BellSouth requested official recognition earlier, all parties -- not just BellSouth -- could have addressed the order in their briefs.

Citizens do not object the official recognition of the orders set forth in the motions filed yesterday by BellSouth and Sprint. Citizens would point out, however, that these orders provide no basis for the Commission to grant a surcharge on customers' rates in the cases pending before this Commission. The orders of the North Carolina Public Utilities Commission do not reflect any issue about their authority under North Carolina law to order surcharges on customer rates. Florida law, on the other hand, does not provide the Florida Commission general authority to order the surcharges set forth in this Commission's proposed agency action orders. The fact that one other state in the country has ordered surcharges to pay for state number pooling trials does not mean

hat Florida Commission has the same authority. Moreover, the North Carolina orders do not reflect any consideration of other rate increases the companies may have implemented there. In Florida, price cap authorized rate increases implemented by BellSouth and Sprint have exceeded number pooling costs by a factor of almost 100. There is no reason for the Commission to grant the companies a one-time surcharge when the companies have already implemented increases far exceeding the number pooling costs. Without meeting the exception to the price cap restrictions contained in Florida law¹, the Commission may not grant the surcharges contained in the Commission's proposed agency action orders.

Respectfully submitted,

HAROLD MCLEAN
PUBLIC COUNSEL



Charles J. Beck
Deputy 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

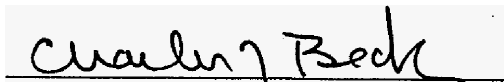
Attorney for Florida's Citizens

¹ §364.051(4), Fla. Stat. (2003).

**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 11th day of June, 2004.


Charles J. Beck


Patricia Christensen
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Richard Chapkis
Vice President & General Counsel
Verizon Florida, Inc.
201 North Franklin St., FLTC0007
Tampa, FL 33602

Nancy Sims
BellSouth Telecommunications, Inc.
150 S. Monroe
Suite 400
Tallahassee, FL 32301

Michael Gross
**Florida Cable Telecommunications
Association, Inc.**
246 East 6th Avenue, Suite 100
Tallahassee, FL 32303

Donna McNulty
MCI WorldCom
1203 Governors Square Blvd.
Suite 201
Tallahassee, FL 32301-2960

AT&T Communications of the
Southern States, Inc.
101 North Monroe Street, Suite 700
Tallahassee, FL 32301

Lee Willis, Esq.
Jeffrey Wahlen, Esq.
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302

Kenneth Hoffman, Esq.
John Ellis, Esq.
Rutledge Law Firm
Tallahassee, FL 32302-0551

Peter Dunbar
Karen M. Camechis
Pennington Law Firm
P.O. Box 10095
Tallahassee, FL 32302

Floyd Self
Messer Law Firm
P.O. Box 1876
Tallahassee, FL 32302

Cheryl Buleza-Banks
Bob Casey
Division of Competitive Markets
FL Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Susan Masterton
Sprint-Florida Incorporated
Sprint Communications Company
Limited Partnership
P.O. Box 2214
Tallahassee, FL 32316-2214

Anne Hoskins
Regulatory Counsel
Verizon Wireless
1300 I Street, N.W.
Suite 400 W
Washington, DC 20005

Carolyn Marek
Vice President, Regulatory Affairs
Time Warner Communications
Southeast Region
233 Bramerton Court
Franklin, TN 37069-4002

Jeff Pfaff
Sprint PCS
6160 Sprint Parkway, 4th Floor
KSOPHIO414
Overland Park, KS 66251