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September 2, 2004

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Undocketed Matter: Amendment of Rules 25-22.0021, 25-22.029, 25-22.0376, and 25-22.060, and Repeal of Rule 25-22.058 relating to participation at agenda conference and filing of cross-petitions on proposed agency action**

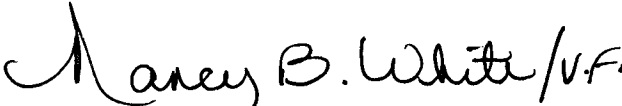
Dear Ms. Bayó:

In connection with the above captioned matter, this is to advise that BellSouth has one concern with the proposed rules. Proposed Rule 25-22.0021(2)(d) states that "when a motion for reconsideration of a non-final or final order is filed, a party that fails to file a written response to a written argument for reconsideration shall be precluded from responding to that argument during oral argument."

Generally speaking, BellSouth supports this concept, however we are concerned that there may be situations in which a written request for reconsideration contains a peripheral argument, a host of arguments that are minor, or an argument contained in a throw-away sentence without support. In those situations, a responding party might concentrate on what it perceives to be the main claim and not address in writing each and every issue. If the moving party then based its oral argument on the peripheral argument, an unsupported argument, or very minor argument that was not addressed in the response, the responding party would be precluded from oral argument.

While BellSouth believes that the situation described herein is more apt to be the exception, not the rule, we wanted to raise it as an issue. BellSouth has discussed its concerns with Ms. Stern and, while we are not requesting a workshop, we have asked Staff to consider our concerns. We will be prepared to discuss our concerns at the agenda at which the rules will be proposed.

Sincerely,

  
Nancy B. White

cc: Marlene Stern  
Nancy Sims

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