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From: Fatool, Vicki [Vicki.Fatool@BellSouth.COM]
Sent: Wednesday, February 02, 2005 2:38 PM
To: Filings@psc.state.fl.us
Subject: New Docket - Petition For Extension and Modification of BST's Existing Service Guarantee Program and for Relief from Rules, etc.
Importance: High

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B. New Docket No.:

BellSouth Telecommunications, Inc.'s Petition for Extension and Modification of BellSouth's Existing Service Guarantee Program and for Relief From Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d), Florida Administrative Code

C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White

D. 15 pages total (including Bayo letter, Certificate of Service, Pleading and Attachment A)

E. BellSouth Telecommunications, Inc.'s Petition for Extension and Modification of BellSouth's Existing Service Guarantee Program and for Relief From Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d), Florida Administrative Code

.pdf version attached word version attached

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CMP BST's Petition for Extension and Modification of Service Guarantee Program and for a Limited Waiver.DO

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FLORIDA PUBLIC SERVICE COMMISSION

BellSouth Telecommunications, Inc.'s) Docket No.: _____
Petition for Extension and Modification of)
BellSouth's Existing Service Guarantee)
Program and for Limited Waiver of Rules)
25-4.066(2); 25-4.070(3)(a); 25-070(1)(b);)
and 25-4.073(1)(e) and (f), Florida)
Administrative Code)
_____) Filed: February 2, 2005

BellSouth Telecommunications, Inc.'s Petition for Extension and Modification of BellSouth's Existing Service Guarantee Program and for Relief From Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d), Florida Administrative Code

Pursuant to Section 120.542, Florida Statutes and Rule 28-104.002, Florida Administrative Code, BellSouth Telecommunications, Inc. ("BellSouth") hereby submits its Petition for Extension and Modification of BellSouth's Existing Service Guarantee Program and its petition for a limited waiver of Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d), Florida Administrative Code. Specifically, BellSouth submits the following:

I. Background and Introduction

On August 13, 2001 and February 13, 2002, the Florida Public Service Commission ("Commission") issued Orders No. PSC-01-1643-AS-TL and No. PSC-02-0197-PAA-TL, respectively, approving the Settlement Agreement between the Office of Public Counsel and BellSouth addressing BellSouth's quality of service and granting a limited waiver of certain service quality rules. The BellSouth Service Guarantee Program, instituted as a result of the Settlement Agreement between the Office of Public Counsel and BellSouth expires on February 28, 2005. To this end, BellSouth is attaching its proposal for

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extension and modification of BellSouth's existing Service Guarantee Program (Attachment A). ("Extended and Modified Service Guarantee Program").

The proposed Extended and Modified Service Guarantee Program is not intended to eliminate the Commission's statutory authority to establish and monitor compliance with service quality standards.

II. BellSouth's Extended and Modified Service Guarantee Program

As detailed in Attachment A, BellSouth's Extended and Modified Service Guarantee Program will continue to automatically provide payments in the form of credits to customers in the event certain service commitments for installation and repair of service interruption objectives are not met. In addition, BellSouth will modify the Program by filing a tariff adding the National School Lunch Program as an eligible Lifeline criteria to augment the current eligibility guidelines. BellSouth's proposal includes an answer time service matrix and provides for credits to the Lifeline Community Service Fund if those commitments are not met. These credits will replace the annual lump sum contributions to the Community Service Fund and the free internet offerings to schools as found in Order Nos. PSC-01-1643-AS-TL and No. PSC-02-0197-PAA-TL. BellSouth intends to maintain its Extended and Modified Service Guarantee Program for the interim period of time between the date of this filing and the date upon which proposed Rule 25-4.085, Florida Administrative Code becomes effective. On the date proposed Rule 25-4.085, Florida Administrative Code becomes effective, BellSouth intends to convert this Extended and Modified Service Guarantee Program to one consistent with the proposed rules adopted in Docket No.

991473-TP, i.e., the Extended and Modified Service Guarantee Program under the proposed rules will eliminate automatic credits for single-line business installation and repair.

III. Petition for a Limited Waiver of Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d) , Florida Administrative Code

Pursuant to Section 120.542, Florida Statutes and Rule 28-104.002, Florida Administrative Code, BellSouth respectfully requests that, upon approval of the Extended and Modified Service Guarantee Program, BellSouth be granted a relief from the applicability of Rules 25-4.066(2); 25-4.070(1)(b); 25-4.070(3)(a); and 25-4.073(1)(d), Florida Administrative Code.

Rule 25-4.066(2), Florida Administrative Code, requires that 90% of all requests for the primary service be satisfied within three working days. Rule 25-4.070(1), Florida Administrative Code, requires the classification of troubles as “out of service” or “service affecting”. Subsection (b) of Rule 25-4.070(1), Florida Administrative Code requires that if the subscriber’s service remains out of service in excess of 24 hours after being reported, an adjustment will be made to the subscriber automatically pursuant to Rule 25-4.110. Rule 25-4.070(3) (a), Florida Administrative Code, requires that 95% of interrupted service be cleared within 24 hours of report in each exchange.

Rule 25-4.073(1)(d), Florida Administrative Code, requires that, when a company uses a menu driven automated, interactive answering system, at least 95% of the calls must be answered within 15 seconds after the last digit is dialed and the customer must be given the option of transferring to a live attendant in the initial message. This rule also states that for business office calls, 85% of

such calls shall be transferred by the system to a live attendant within 55 seconds after the last digit is dialed. For other calls (such as repair), at least 95% of the calls shall be transferred by the system to a live attendant prepared to give immediate assistance within 55 seconds after the last digit is dialed.

Pursuant to Section 120.542, Florida Statutes, BellSouth submits that its Extended and Modified Service Guarantee Program satisfies the requirement that a demonstration be made that the purpose of the underlying statute will be achieved by other means. By providing direct credits to customers whose service is affected by delayed installation or repair, by credits to the Community Service Fund if answer time requirements are not met, and by expanding Lifeline eligibility, the purposes of the underlying statutes are achieved. Provisions of Florida Statutes authorizing or directing the Commission to establish, monitor and enforce service standards, such as Section 364.01(4), 364.025, Florida Statutes (1999) (carrier of last resort obligations, service availability) will be adequately met if the basic service subscriber receives a direct and material credit for being without basic service. In addition, the Lifeline Community Service Fund and the added National School Lunch Program criteria will assist customers in becoming more educated about Lifeline and potentially could expand the participation in the Lifeline Program, as well as telephone subscribership.

The Extended and Modified Service Guarantee Program meets the quality of service provisions of Chapter 364 by giving immediate and direct compensation to customers and provides similarly swift penalties to BellSouth for

not meeting objectives that are consistent with the existing Commission service rules. In addition, application of the above rules to BellSouth at the same time direct credits are being made or accrued would constitute unfairness or economic hardship by imposing duplicate penalties. For this reason, BellSouth requests the waiver so that the Extended and Modified Service Guarantee Program can be implemented. It is further the intent of BellSouth that the waiver will be effective as to any amendments to the subject rules for the duration of the Extended and Modified Service Guarantee Program. BellSouth will track and report its performance under the Extended and Modified Service Guarantee Program.

The Petition of BellSouth meets the standards of Section 120.542, Florida Statutes. The purpose of the underlying statutes, 364.01(4), 364.025, 364.15, 364.183 and 364.19 is, in part, to promote competition, to protect the public health, safety and welfare, and ensure service availability. The limited waiver will not undermine these purposes.

IV. Conclusion

BellSouth is committed to providing high quality service to our customers, and with this Extended and Modified Service Guarantee Program, our customers will receive immediate compensation if we do not meet our commitments. BellSouth believes that this Program will give direct benefit to our customers and to the communities that BellSouth serves. We realize that the local telecommunications market is becoming more competitive, and that good service plays an important part in retaining and maintaining customers. If we do not

perform as we say, then we pay the customer and/or the customer chooses another provider.

WHEREFORE, BellSouth respectfully requests that the Commission approve BellSouth's Extended and Modified Service Guarantee Program and grant BellSouth's Petition for Limited Waiver.

Respectfully submitted this 2nd day of February, 2005.

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