

ORIGINAL

050879-TL

Matilda Sanders

From: Fatool, Vicki [Vicki.Fatool@BellSouth.COM]
Sent: Wednesday, November 16, 2005 3:12 PM
To: Filings@psc.state.fl.us
Subject: BellSouth Telecommunications, Inc.'s Petition for Waiver of Rule 25-4.118(12) (NEW DOCKET)
Importance: High
Attachments: Petition.pdf

- A. Vicki Fatool
 Legal Secretary to Nancy B. White and Manuel A. Gurdian
 BellSouth Telecommunications, Inc.
 150 South Monroe Street
 Suite 400
 Tallahassee, Florida 32301
 (305) 347-5560
vicki.fatool@bellsouth.com
- B. Petition by BellSouth Telecommunications, Inc. for Waiver of Rule 25-4.118(12), Florida

 Administrative Code
- C. BellSouth Telecommunications, Inc.
 on behalf of Manuel A. Gurdian
- D. 9 pages total (includes Bayo Letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc.'s Petition for Waiver of Rule 25-4.118(12), F.A.C.

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<<Petition.pdf>>

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Legal Department

Manuel A. Gurdian
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

November 16, 2005

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

050879-TL

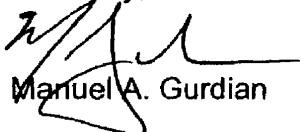
**Re: Petition by BellSouth Telecommunications, Inc. for Waiver of
Rule 25-4.118(12), Florida Administrative Code**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Petition for Waiver of Rule 25-4.118(12), Florida Administrative Code, which we ask that you file in the captioned *new* docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record
Jerry D. Hendrix
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE


**Petition by BellSouth Telecommunications, Inc. for Waiver of
Rule 25-4.118(12), Florida Administrative Code**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

First Class U.S. Mail this 16th day of November, 2005 to the following:

Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Joint Administrative Procedures
Committee
The Holland Building
Room 120
Tallahassee, Florida 32399-1300



Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for Waiver of
Rule 25-4.118(12), Florida Administrative Code

)Docket No. 050879-TL
)
)
)Filed: November 16, 2005

**BellSouth Telecommunications, Inc.'s Petition for Waiver of
Rule 25-4.118(12), Florida Administrative Code**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code, hereby petitions the Florida Public Service Commission ("Commission") to waive the requirements of Rule 25-4.118(12), Florida Administrative Code, regarding the provision of a 24 hours a day, seven days a week toll-free number for accepting complaints regarding unauthorized provider changes by limiting the requirement to normal business hours, for the reasons set forth below.

Specifically, BellSouth seeks the following:

1. BellSouth is a local exchange company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes.

2. BellSouth's principal place of business in Florida is 150 West Flagler Street, Suite 1910, Miami, Florida 33130. Pleadings and process may be served upon:

Nancy B. White
Manuel A. Gurdian
c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

3. On or about December 9, 1998, the Commission, in Docket No. 970882-TI, issued Order No. PSC-98-1661-FOF-TI amending Rule 25-4.118.

4. Rule 25-4.118 cites to Florida Statutes § 350.127(2) as the Specific Authority for same. Florida Statutes §§ 364.01, 364.19 and 364.285 are cited to as the "Law Implemented." From the provisions of the Rule, it is apparent that the Rule's purpose is to prevent unauthorized provider changes from occurring and to assist customers when an unauthorized provider change does occur.

5. Subsection (12) of Rule 25-4.118 requires ILECs to provide end user customers the opportunity to report instances of unauthorized provider changes¹ 24 hours a day, 7 days a week.

6. Specifically, Rule 25-4.118(12) provides as follows:

Each provider shall maintain a toll-free number for accepting complaints regarding unauthorized provider changes, which may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. If the number is a separate toll-free number, beginning six months after the effective date of this rule new customers must be notified of the number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the company shall send a letter to the customer's billing address informing the customer as to the best time the customer should call or provide an address to which correspondence should be sent to the company. Beginning six months after the effective date of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized provider change complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven voice response unit, the 60 second answer time shall be measured from the

¹ This is commonly referred to as "slamming."

point at which the customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that the customer is waiting on the line. It shall mean the provider is ready to render assistance or accept the information necessary to process the call.

7. On or about June 28, 1999, in compliance with Rule 25-4.118(12), BellSouth implemented a voice mailbox to receive customer calls made after normal business hours regarding unauthorized provider changes. During normal business hours, BellSouth's business office handles any customer calls.

8. The voice mailbox operates as follows: If a customer calls to report an unauthorized provider change between the hours of 7:00 PM and 8:00 AM, Monday through Saturday, and from 5:00 PM Saturday until 8:00 AM Monday, a call screener announcement option will provide the customer the opportunity to press "1." Once the customer presses "1" the customer is automatically transferred to a voice mailbox, where the customer may leave a message regarding the unauthorized provider change. Customers are directed to leave their complete name, their BellSouth telephone number including the area code, and a "can be reached number" during regular business hours. Customers are also given explicit directions on what actions they should take regarding issues not related to slamming.

9. One BellSouth representative is responsible for maintaining the voice mailbox. In order to retrieve a customer's complaint, the representative must listen to all of the voice mail recordings. For each complaint, the representative notes the date, customer's name, telephone number in question, nature of complaint and the customer's "can be reached number." After logging

the complaints and tallying the number of customer hang-ups, the representative begins the call back process, contacting customers who filed complaints regarding unauthorized provider changes. If the representative is unable to contact the customer after making the requisite number of attempts, the representative sends a letter to the customer requesting the customer to contact the representative regarding the complaint. The BellSouth representative spends approximately 3-4 hours per day performing the above tasks.

10. From January 2004 through December 2004, there were a total of 15,204 messages left in the voice mail box. However, only 2 of the messages left in the voice mailbox were related to unauthorized provider changes and neither complaint was a confirmed complaint against BellSouth.

11. From January 2005 through October 2005, there were a total of 8,229 messages in the voice mailbox, with 27 of the messages being related to unauthorized provider changes. However, none of the messages were confirmed complaints against BellSouth.

12. Overall, BellSouth has experienced a minuscule number of complaints over the last several years. From January 2004 through December 2004 and January 2005 through October 2005, approximately 0.013% and 0.33%, respectively, of the calls were related to unauthorized provider change complaints and none of the complaints were confirmed complaints against BellSouth. Moreover, more than half of the messages referenced above were "hang-ups."

13. Based on the number of messages in the voice mailbox compared to the number of the messages actually related to unauthorized provider changes, it is quite evident that the representative spends an inordinate amount of time just clearing out the mailbox. In fact, the representative spends approximately 92 hours/month clearing out same. Approximately 53 of these hours are applied to customer hang-ups, while the remaining 39 hours are spent responding and listening to messages that are not related to unauthorized provider changes.

14. BellSouth believes that the representative's time could be spent more efficiently and that it would be more cost effective to eliminate the 24 hours a day, seven days a week requirement. The resources used to service and maintain the voice mailbox could be used to better serve our end user customers in the business office during normal business hours. The elimination of the after hours voice requirement would in no way result in a reduction of service to customers who require assistance with unauthorized provider changes, as customers could still contact the business office during normal business hours.

15. If a customer is unable to wait till normal business hours to report the complaint, the customer has the alternative of contacting BellSouth via www.bellsouth.com. At the website, the customer may look under "customer service" and click on "contact us." Under both the residential and business service sections, a customer may choose "email a residential specialist," "email a small business specialist," or "email a large business specialist." Once the customer has chosen to email a specialist, the customer may then pick

"carrier/service provider changes," provide a short description of the complaint and submit the email.


16. The specific facts provided above clearly demonstrate that BellSouth suffers a substantial hardship that would justify a waiver for BellSouth. Moreover, the above facts demonstrate that the problem of unauthorized provider changes has diminished significantly and that a 24 hours a day, seven days a week toll-free number is no longer required to protect customers in Florida.

17. Accordingly, based upon the foregoing, BellSouth requests that the Commission permanently waive the provisions of FPSC Rule 25-4.118(12) requiring BellSouth to maintain a 24 hours a day, seven days a week toll-free number regarding unauthorized provider change complaints by limiting the requirement to maintaining same to normal business hours.


WHEREFORE, BellSouth requests that, having demonstrated good cause, the Commission waive the provisions of Rule 25-4.118(12) that require BellSouth to provide a 24 hours a day, seven days a week toll-free number for accepting complaints regarding unauthorized provider changes by limiting the requirement to maintaining same to normal business hours.

Respectfully submitted this 16th day of November, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



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