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June 13, 1997

910722-TP

Ms. Blanca Bayo, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Dear Ms. Bayo:

Enclosed for filing on behalf of YP-USA, Ltd. d/b/a The SunShine Pages are an original and fifteen copies of YP-USA, Ltd. d/b/a The SunShine Pages' Complaint.

Please indicate receipt of this document by stamping the enclosed extra copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

  
Norman H. Horton, Jr.

NHH:amb  
Enclosures

cc: Magdalen Bickford, Esq.  
Parties of Record

DOCUMENT NUMBER-DATE

06017 JUN 13 97

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of YP-USA, Ltd. )  
d/b/a The SunShine Pages, against )  
BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ )

Docket No.:  
Filed: June 13, 1997

**COMPLAINT**

Pursuant to Rule 25-22.036, Florida Administrative Code, YP-USA, Ltd. d/b/a The SunShine Pages ("SunShine Pages"), through its undersigned counsel, hereby files its Complaint against BellSouth Telecommunications, Inc. ("BellSouth"), and in support thereof does state:

1. YP-USA, Ltd., an Ohio Limited Liability Corporation whose business address is 3445 North Causeway Blvd., 4th Floor, Metairie, Louisiana, 70002, is a telephone directory publisher authorized to conduct business in the State of Florida. In addition to publishing telephone directories, SunShine Pages is also a customer of BellSouth in Stuart, Florida, as a user of Remote Call Forwarding ("RCF"). Copies of notices, pleadings and documents should be sent to:

Norman H. Horton, Jr.  
Gwen G. Jacobs  
Messer, Caparello & Self, P.A.  
215 S. Monroe St., Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Magdalen Blessey Bickford, Esq.  
The SunShine Pages  
3445 North Causeway Blvd., 4th Floor  
Metairie, LA 70002

2. BellSouth, a Georgia corporation, is a certificated local exchange company in the State of Florida. For purposes of delivering notices, correspondence and pleadings, the address used by SunShine Pages for BellSouth is:

BellSouth Telecommunications, Inc.  
c/o Ms. Nancy Sims  
150 S. Monroe Street, Suite 400,  
Tallahassee, FL 32301

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3. This complaint arises because of the termination of message counts associated with RCF service provided by BellSouth to SunShine Pages. This termination of a long standing service was without notice to SunShine Pages and was taken with no authorization or basis by BellSouth.

4. Beginning in the Fall of 1996, SunShine Pages, through a joint venture with the F. W. Scripps Company, invested more than two million dollars to create a new telephone directory for the Martin County/St. Lucie County market. The directory includes white pages listings for businesses and residents as well as a yellow page section where businesses are classified by the goods and services they sell. This directory competes with directories published by BellSouth's wholly owned subsidiary, BellSouth Advertising and Publishing ("BAPCO").

5. Profits from directory publishing generally come from the sale of yellow pages advertising. For its first edition, SunShine Pages chose to provide substantially all business with free advertising. The purpose was to produce a first edition at no charge and distribute copies of the directory to all residents and businesses in the area. After the book was being used in the market, SunShine Pages would then contact businesses to attempt to sell them advertising into the first "paid" edition.

6. By using this approach, businesses could be given "usage results" that would prove that the directory provided a return on an advertising investment. The company was heavily dependent on being able to prove the directory was being used in order to recapture its substantial investment.

7. A critical component to being able to prove usage is to employ RCF technology. RCF allows SunShine Pages to establish exclusive telephone numbers in their directory that "forwards" calls to an advertiser's main line. The service, which is contracted through BellSouth,

also provides the publisher with the number of calls that were generated exclusively from this telephone directory advertising. By having this empirical evidence of usage, the company can prove value and, hence, sell advertising to recapture its investment.

8. RCF technology is used by directory publishers across the country, including BAPCO. This practice has been used by corporate affiliates of SunShine Pages for over twelve years. It is the most effective method for any directory publisher to establish proof of consumer usage.

9. BellSouth, through its affiliation with BAPCO, knew that SunShine Pages would be distributing its first edition of the Martin/St. Lucie Directory in mid-March. SunShine Pages had ordered and installed 20 RCF lines from BellSouth that would be published in this new product. On or about April 10, 1997, SunShine Pages discovered that BellSouth, without any notice to SunShine Pages, had deliberately disabled the call counting features on eighteen of the twenty RCF lines ordered by SunShine Pages beginning in mid-March. This denied SunShine Pages the critical usage information that was and is needed in order to effectively compete with BAPCO. It is SunShine Pages' belief that BellSouth did not disconnect the call counting features of SunShine Pages' competitor BAPCO.

10. As of this filing, BellSouth has reestablished the call counting feature on the disputed lines but has given no assurance that it will continue to provide this service. BellSouth has refused to reconstruct call counts for the period of time the service was disconnected. In addition, the action by BellSouth has caused a 90 day delay in getting full and accurate usage data to SunShine Pages' advertisers. This delay was coincident with BAPCO's sales canvas in the Martin County and St.

Lucie County area, thus giving tremendous advantage to BAPCO's sales effort at the expense of SunShine Pages.

11. Although BellSouth is a price regulated telecommunication company under section 364.051, Florida Statutes, the PSC still retains jurisdiction over the services provided by BellSouth (Section 364.01, 364.051). In particular, section 364.051(6) provides in part that

the Commission shall have continuing regulatory oversight of non-basic service for purposes of ensuring resolution of service complaints preventing cross-subsidization of non-basic services with revenues from basic service and ensuring that all providers are treated fairly in the telecommunications market.

When read with section 364.01, Florida Statutes, there is clearly an intent that the PSC retain jurisdiction and authority over service offered by LECs such as BellSouth.

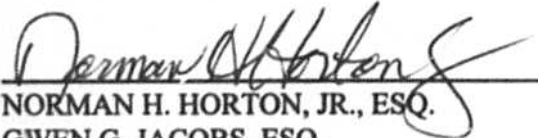
12. BellSouth's unfair, unreasonable and anti-competitive action in discontinuing the message count results in BellSouth using its position as the dominant local exchange service provider to thwart competition in the directory publishing market by blocking SunShine Pages from demonstrating value to its customers. BellSouth is the only viable supplier of RCF and the attendant message count, a critical service to SunShine Pages. The discontinuance of the critically needed message count service has disrupted the ability of SunShine Pages to provide service to its customers and has unnecessarily interrupted that service. Further, the elimination of the message count which was part of the RCF service when SunShine Pages subscribed to it, lessens the level and quality of service subscribed to by SunShine Pages. The effect of this unreasonable interruption is exacerbated by the relationship of BellSouth and BAPCO and the ability of BAPCO to demonstrate to its customers just that which SunShine Pages wants to demonstrate to customers of SunShine Pages.

If BellSouth is allowed to continue the practice of eliminating message count information, BellSouth would be providing a reduced quality of service and providing an unfair competitive advantage to its publishing affiliate, BAPCO.

**WHEREFORE**, Based on the foregoing, SunShine Pages requests the Commission to assert jurisdiction over this Complaint and: (1) expeditiously conduct a hearing on the matters complained of herein; (2) determine that BellSouth's practice of refusing to provide the message count service is a disruption in the quality of service offered to SunShine Pages; (3) direct BellSouth to restore the unit counts for mid-March to May (4) determine that the practice is unfair, unduly discriminatory, and anticompetitive; and (5) direct BellSouth to include the message count service as incident to the remote call forwarding so as to insure a continuous uninterrupted receipt of this vital service.

Dated this 13th day of June, 1997.

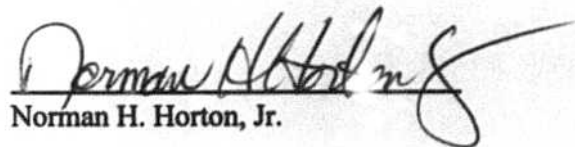
Respectfully submitted,  
MESSER, CAPARELLO, & SELF, P.A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
(904) 222-0720

  
NORMAN H. HORTON, JR., ESQ.  
GWEN G. JACOBS, ESQ.  
Attorneys for YP-USA, Ltd. d/b/a The SunShine Pages

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of YP-USA, Ltd. d/b/a The SunShine Pages' Complaint been sent by U.S. Mail on this 13th day of June, 1997 to the following parties of record:

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

  
Norman H. Horton, Jr.