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Nancy H. Sims  
Director - Regulatory Relations

RECORDS AND  
REPORTING

March 21, 2000

Mrs. Blanca S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Subject: Docket No. 000028-TL BellSouth Petition for Rule Waiver

Dear Mrs. Bayo,

On January 10, 2000, BellSouth filed a Petition for Waiver of certain Florida Public Service Commission rules to enable BellSouth to refuse to provide service to the person named in the petition. This person does not presently have service with BellSouth, but he is believed to be currently served by an alternative local exchange company (ALEC). Since this case involves customer specific information, the details, such as names, account numbers and addresses were filed as confidential at the time the petition was filed. This letter is an attempt to give an overall summary of the situation and to give the Commission Staff a better understanding of our petition.

The subject subscriber has been associated with at least twenty-five separate accounts with BellSouth since 1992. He has used many avenues to obtain service, and, in every instance, his account has been disconnected for fraudulent practices and/or for nonpayment.

On several occasions the subscriber has skirted the Commission's rules by having others call the BellSouth business office for him and establish service in the caller's name. Eventually, the location where service is established is found to be leased to the subject subscriber, or the name the service is established in is found to be fictitious. Five different personal names of subscribers have been consistently traced back to the subject subscriber. In addition, at least seven different business names have been associated with the subject subscriber. In at least five of these situations, the businesses were not registered with the State and papers represented as being proof of corporation were determined to be invalid; therefore, the subject subscriber was responsible for the billing. He even used the name of an existing corporation without permission. In most all cases, service was disconnected with an outstanding balance due. As of this date, the subscriber is responsible for \$22,760.70 in past due billing.

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- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
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He purposely deceived the Company in order to have telephone service. For instance, he has written several checks to prevent disconnection of service, only to immediately stop payment of the checks. He has used multiple social security numbers and has written checks on closed accounts. He uses false credit information in setting up the business accounts.

He has also purposely misled the Commission Staff on many occasions. He will use the Commission's rule to dispute legitimate charges in order to delay disconnection of service. In at least eight situations appeals have gone to the Commission Staff; all invalid.

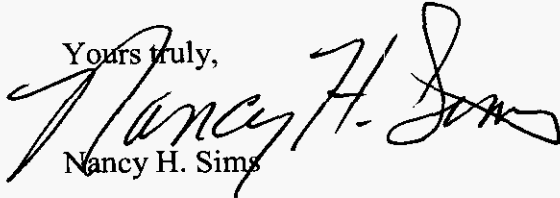
Because of his continued deceptions, this subscriber has cost the Company, as well as the Commission Staff, a lot of time and money. He has taken time away from BellSouth service representatives and Commission Staff appeals personnel; time that could have been used more efficiently and effectively to handle valid customer concerns and needs. There is no way to accurately determine the number of hours that have been involved in repeatedly having to handle calls into the business office to establish service, to investigate credit, employment and corporate information, to send out denial notices, to process checks with insufficient funds, to process checks that have had payment stopped, to disconnect service, to reconnect service, to answer Commission inquiries and participate in informal conferences with the Commission Appeals Staff.

We realize that we have the ability to continue to deny service to this individual based on his past due amounts and fraudulent activities, but we are also aware that we are obligated to follow the Commission's rules. More specifically, Rule 25-4.113 "Refusal or Discontinuance of Service by Company" details situations where service may or may not be refused or discontinued. Because of the Company's interpretation of these rules, the subject subscriber has repeatedly been able to obtain telephone service. By changing names, addresses and using business facades, he has been able to manipulate the system to continue to defraud the Company.

If our petition is granted, BellSouth will mark the records of the various personal names, businesses and addresses that have been associated with the subject subscriber to indicate that service should not be connected without checking with BellSouth Legal or an appointed BellSouth contact. Of course, there is no way to guarantee that the subject subscriber will not find some other way to establish service, but we will make every effort to prevent this from happening. If service is inadvertently connected, BellSouth will follow proper disconnect procedures which includes no notice if fraudulent use is detected.

If you have any questions or need any further information, please give me a call. Thank you for your assistance in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Nancy H. Sims". The signature is written in black ink and is positioned to the right of the typed name.

Nancy H. Sims

Copy to: Walter D'Haeseleer  
Melinda Watts  
Tim Vaccaro  
Nancy White

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