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April 24, 2001

Mrs. Blanca S. Bayó
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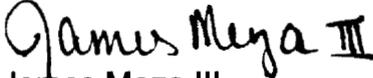
**Re: Docket No. 010102-TP (Routing Database System (RDBS) and
Business Rating Input Database System (BRIDS)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Brief on the Legal Issue of Whether the Florida Public Service Commission has the Authority to Order Rate Center Consolidation, which we ask that you file in the captioned 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,


James Meza III (KA)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

05145 APR 24 01

FF SC-REC00605/REPORTING

**CERTIFICATE OF SERVICE
Docket No. 010102-TP**

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

U.S. Mail this 24th day of April, 2001 to the following:

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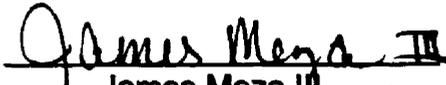
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James Meza III (RM)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of proposed) Docket No. 010102-TP
Updates to the Routing Data Base)
System (RDBS) and Business)
Rating Input Database System)
(BRIDS) affecting the Tampa)
telecommunications carriers) Filed: April 24, 2001

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
BRIEF ON THE LEGAL ISSUE OF WHETHER THE
FLORIDA PUBLIC SERVICE COMMISSION HAS THE
AUTHORITY TO ORDER RATE CENTER CONSOLIDATION**

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BACKGROUND

On April 13, 2001, BellSouth Telecommunications, Inc. (“BellSouth”) requested leave to file an amicus brief in this docket on the limited legal issue of whether the Florida Public Service Commission (“Commission”) has the authority to order rate center consolidation. BellSouth was not a party to this proceeding because the original issues in this docket only involved Verizon Florida, Inc. (“Verizon”) in Verizon’s historical franchise area. Although not present at the hearing, BellSouth understands that, during the hearing, the Commission specifically ordered the parties to brief the question of whether the Commission has the authority to order rate center consolidation as a numbering conservation measure. (Tr. 310).

Because any decision on this legal issue will affect all members of the telecommunications industry in Florida and not just the parties in this proceeding, BellSouth requested that it be allowed to file an amicus brief solely on the rate center consolidation legal issue. As of today, the Commission has not ruled on BellSouth’s motion for leave. Nonetheless, in keeping with BellSouth’s commitment to file its brief within the original briefing deadline and in anticipation of the Commission’s ruling, BellSouth files the instant brief.

ARGUMENT

LEGAL ISSUE: **Does this Commission have the authority to order rate center consolidation.**

Position** **No. The Commission does not have the authority to order BellSouth or any other price-regulated telecommunications company to implement rate center consolidation.**

Rate center consolidation involves “creating larger geographic areas in which individual NXX codes can be used by consolidating or combining existing rate centers.” In the Matter of Florida Public Service Commission Petition to Federal Communications Commission For Expedited Decision for Grant of Authority to Implement Number Conservation Measures, FCC 99-249, Docket No. 96-98, 14 FCC Rcd. 17506, September 15, 1999 (“Florida Ruling”) at ¶ 38. The FCC has expressly determined that, because rate center consolidation “involves matters relating to local calling scopes and local call rating, it falls under state utility commissions’ rate-making authority.” Id. Accordingly, when the Commission asked the FCC for authority to order rate center consolidation in the Florida Ruling, the FCC reiterated that rate center consolidation is within the authority of the Commission, but granted the Commission whatever “additional authority it may need to consolidate rate centers” Id. at ¶ 1.

Under Florida law, however, the Commission cannot order rate center consolidation. A brief example will illustrate this point. Assume that the Commission ordered the consolidation of Exchange A, which included local calling areas 1, 2, and 3 with Exchange B, which included local calling areas 2, 3, and 4. As a result of the consolidation, the customers in the newly consolidated rate center will have different local calling areas. Namely, the former customers of Exchange B could call area 4 toll-free but not area 1 and the former customers of Exchange A could call area 1 toll-free but not area 4.

In addition to being discriminatory, such a result would place an undue or unreasonable prejudice or disadvantage on the customers of the newly consolidated rate center because some customers would be required to make a toll call for the same call

that another customer could make toll-free. This result violates Section 364.10(1), Florida Statutes, which provides:

A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject a particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Section 364.10(1), Florida Statutes.

The only solution would be for the Commission to order BellSouth or the other price-regulated LECs to implement extended area service ("EAS") or extended calling service ("ECS"). Under this scenario, all of the customers in the newly consolidated rate center would have the ability to call the same local calling areas. However, absent a carrier voluntarily agreeing to implement EAS or ECS, such a scenario is impossible because the Commission cannot order a price-regulated carrier to implement EAS or ECS.

For example, in Order No. PSC-97-0971-FOF-TL, the Commission addressed the Hamilton County Board of County Commissioners' request for EAS from Hamilton County to all exchanges within Columbia County, Suwannee County, and Madison County. Order No. PSC-97-0971-FOF-TL at 1. The Commission denied the request and held that it cannot order a price-regulated LEC to implement post-July 1, 1995 requests for EAS or ECS. Specifically, the Commission stated:

BellSouth and Sprint opted for price regulation, effective January 1, 1996, and January 2, 1996, respectively, in accordance with Section 364.051, Florida Statutes. Pursuant to Section 364.385, Florida Statutes, any requests for EAS or extended calling service (ECS) filed after July 1, 1995, and subsequently implemented in a price-regulated LEC's territory, become a non-basic service. **We cannot order a price-regulated LEC to implement a non-basic service; thus, we are without jurisdiction to**

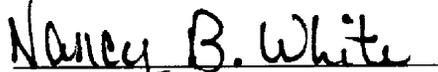
require the price-regulated LECS to implement post-July 1, 1995, requests for EAS or ECS.

Order No. PSC-97-0971-FOF-TL at 3 (emph. added).

Therefore, because any order requiring the implementation of EAS or ECS would be post-July 1, 1995, the Commission cannot require BellSouth or any other price-regulated carrier to implement EAS or ECS. Consequently, without the authority to order EAS or ECS, the Commission cannot remedy any violation of Section 364.10(1) that will result with the implementation of rate center consolidation. Without a remedy to this violation and the discriminatory and burdensome effect of rate center consolidation on Florida consumers, the Commission cannot order rate center consolidation.

Respectfully submitted this 24th day of April, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



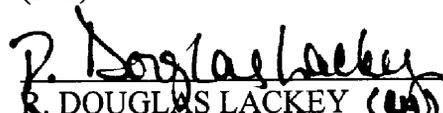
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