

ORIGINAL



Susan S. Masterton
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July 12, 2001

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

010962-TP

Dear Ms. Bayó:

Sprint requests that Benjamin W. Fincher be named as a qualified representative of Sprint in the following docket:

In re: Petition of Sprint Communications Company Limited Partnership to review and cancel BellSouth's Tariff regarding access charges for intrastate toll calls (docket number not yet assigned).

Mr. Fincher is located at 3100 Cumberland Circle, Cumberland Center II, Atlanta, GA 30339-5940. His telephone number is 404-649-5145. Mr. Fincher's affidavit is attached. Sprint is aware that it can be represented solely by counsel as defined in Rule 28-106.106, Florida Administrative Code, and has chosen otherwise.

Sincerely,

Susan S. Masterton

DOCUMENT NUMBER-DATE

08566 JUL 13 01

FPSC-RECORDS/REPORTING

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

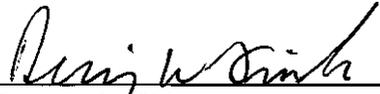
In re: Petition of Sprint)
Communications Company Limited) Docket No. 010962-TP
Partnership to review and cancel)
BellSouth's Tariff regarding access) Filed: _____
Charges for intrastate toll calls)

AFFIDAVIT OF BENJAMIN W. PINCHER

I, Benjamin W. Fincher, being first duly sworn, do hereby depose and state as follows:

1. I am an attorney with Sprint Communications Company Limited Partnership.
2. I am a member in good standing of the State Bar of Georgia and am seeking to be designated as a qualified representative in the above-captioned docket pursuant to Rule 28-106.106, Florida Administrative Code.
3. I have assisted other attorneys in proceedings before other state commissions that have involved the examination and resolution of factual and legal issues similar to those under consideration in the above captioned docket.
4. I am familiar with jurisdictional issues, the relevant portions of the Florida Statutes, the Florida Rules of Civil Procedure, the Florida Administrative Code, and the Florida Rules of Evidence.
5. I have or will acquire knowledge of the factual and legal issues in this matter and have complied with, and will continue to comply with, the Standards of Conduct for Qualified Representatives set forth in Rule 28-106.107, Florida Administrative Code.

I declare that the foregoing is true and correct based upon my knowledge, information and belief.


Benjamin W. Fincher

State of Georgia
County of Cobb

BEFORE ME, the undersigned Notary Public, on this day personally appeared Benjamin W. Fincher, who, being duly sworn on his oath, deposed said that he has executed the foregoing instrument and that the statements contained therein are true and correct to the best of his knowledge, information and belief.

SUBSCRIBED AND SWORN TO BEFORE ME on the 10th day of July 2001.


Notary Public in and for the
State of Georgia

My Commission expires: Oct 3rd 2004





Susan S. **Masterton**
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July 12, 2001

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

Re: Sprint's Petition to Review and Cancel BellSouth's Tariff

Dear Ms. Bayó:

Enclosed for filing is the electronic copy of Sprint's Petition to Review and Cancel BellSouth's Tariff. Copies have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by electronic confirmation of receipt of this letter and returning the same to this writer.

Sincerely,

A handwritten signature in black ink that reads "Susan S. Masterton". The signature is written in a cursive, somewhat stylized script.

Susan S. Masterton

Enclosure

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications) DOCKET NO.
Company Limited Partnership to review)
And cancel BellSouth Telecommunications,)
Inc.'s Tariff regarding access charges)
For intrastate toll calls) FILED: July 12, 2001

PETITION

Comes now Sprint Communications Company Limited Partnership ("Sprint"), pursuant to Rule 28-106.201, Florida Administrative Code ("F.A.C."), and hereby files this Petition against BellSouth Telecommunications, Inc. ("BellSouth").

The Parties

1. Sprint, a Delaware limited partnership, is authorized by the Florida Public Service Commission ("Commission") to provide interexchange and alternative local exchange telecommunications services in the State of Florida. Sprint's business address is:

Sprint Communications Company Limited Partnership
8140 Ward Parkway
Kansas City, MO 64114

Sprint's representatives' name, address and telephone number are:

Benjamin W. Fincher, Esquire
Sprint MailStop GAATLN0802
3 100 Cumberland Circle
Atlanta, GA 30339
404-649-5 145 (Telephone)
404-649-5 174 (FAX)
ben.fmcher@mail.sprint.com

and

Susan S. Maaterton, Esquire
13 13 Blairstone Road
P.O. Box 2214
Tallahassee, FL 32316-2214
850-599-1560 (Telephone)
850-878-0777 (FAX)
susan.masterton@mail.sprint.com

2. **BellSouth** is a Georgia corporation authorized by the Commission to provide local exchange and **intraLATA** interexchange telecommunications services in the State of Florida. **BellSouth's** business address is:

BellSouth Telecommunications, Inc.
150 South Monroe Street, Room 400
Tallahassee, Florida 32301

Commission Jurisdiction

3. The Commission has statutory powers and jurisdiction over, and in relation to, telecommunications companies. This includes jurisdiction over **BellSouth**, the respondent in this Complaint.’

4. The Commission has exclusive jurisdiction in all matters set forth in Chapter 364, Florida Statutes, in regulating telecommunications companies, in order to ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.’

¹ Sec. 364.01, F.S.

² Sec. 364.01(4)(g), F.S.

Claims of Sprint

5. **BellSouth**, on June 14, 2001, filed with the Commission its File Code 680.3400, File Package No. FL2001-079, reflecting revisions to its tariff language regarding **BellSouth** receipt of insufficient call detail to **determine** the jurisdiction of the call, attached hereto as Attachment A. The specific tariff provisions involved in the tariff filing are **BellSouth's** Access Tariff Section E2.3.14 Jurisdictional Report Requirements, Fourth Revised-Page10. The scheduled effective date of this tariff tiling was indicated to be June 25, 2001.

6. The effect of this tariff revision is to give **BellSouth** the ability to charge higher intrastate (as compared to interstate) terminating switched access charges on those calls that do not include the Calling Party Number ("CPN"). This would include, in addition to legitimate intrastate calls, calls that are local, interstate and international in nature.

7. There are numerous local, interstate and international calls that do not, and are not required to, carry the CPN.³ **BellSouth** has disregarded the fact that all calls will not carry the CPN and seeks, through this tariff revision, to charge the higher intrastate terminating switched access rate on all calls without the CPN, regardless of the jurisdiction of the call.

8. Further, **BellSouth** has no made no provision in its tariff revision for the interexchange carrier to demonstrate that certain calls without CPN were, in fact, local, interstate or international calls, and were not intrastate calls and not subject to the higher intrastate terminating switched access rates.

9. **Sprint**, as a purchaser of access **from** **BellSouth** in its provisioning of interexchange carrier telecommunications services in Florida, is directly and adversely impacted by this tariff publication. **Sprint** will be forced to pay higher intrastate

³ 47 CFR 64.1601(d)(1), (2),(3) & (4).

terminating switched access rates on local, interstate and international calls when CPN is not shown.

10. **BellSouth's** tariff filing constitutes anticompetitive behavior in violation of Section 364.01(4)(g), Florida Statutes.

11. **BellSouth's** tariff filing constitutes a violation of Section 364.08, Florida Statutes, which prohibits charging rates for services rendered other than the charge applicable to such service, as specified in its schedule on file and in effect at that time.

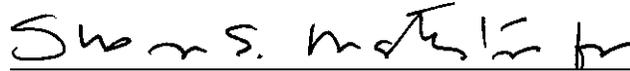
Prayer for Relief

Wherefore, based on the foregoing, Sprint respectfully requests the Commission to:

- (1) Assert jurisdiction over this Complaint.
- (2) Immediately institute a proceeding to consider the validity of **BellSouth's** tariff filing here involved.
- (3) Issue an order finding that **BellSouth's** tariff filing is unlawful and order **BellSouth** to cancel the tariff provisions here involved.
- (4) Impose such further relief as the Commission deems just and appropriate.

Respectfully submitted this 12th day of July, 2001

SPRINT COMMUNICATIONS COMPANY LIMITED
PARTNERSHIP



Benjamin W. Fincher
Sprint MailStop GAATLN0802
3 100 Cumberland Circle
Atlanta, GA 30339
404-649-5 145 (Telephone)
404-649-5 174 (FAX)

and

Susan S. Masterton
13 13 Blairstone Road
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ATTORNEYS FOR SPRINT

TARIFF DISTRIBUTION

FILE CODE: 680.3400

FILE PACKAGENO.: **FL2001-079**

DATE:

June 26, 2001

STATE:

FLORIDA

EFFECTIVE DATE:

06/25/2001

TYPE OF DISTRIBUTION:

Approved

PURPOSE:

Revise tariff language regarding when the Telephone Company receives **insufficient** call detail to determine the jurisdiction of the call.

TARIFF SECTION

E002

PAGE NUMBER

10

PAGE REVISION

04

BELLSOLJTH
TELECOMMUNICATIONS, INC.
FLORIDA
ISSUED: June 8, 2001
BY: Joseph P. Lacher, President -FL
Mimi, Florida

ACCESS SERVICES TARIFF

Fourth Revised-Page 10
Cancels Third Revised Page 10

EFFECTIVE: June 25, 2001

E2. GENERAL REGULATIONS**E2.3 Obligations of the IC (Cont'd)****E2.3.14 Jurisdictional Report Requirements' (Cont'd)****A. Jurisdictional Reports (Cont'd)****1. Percent Interstate Usage (PIU) (Cont'd)****a. (Cont'd)**

Where the Company receives **insufficient** call detail to **identify the calling station to** determine the jurisdiction, **the Company will charge the applicable rates for terminating BellSouth SWA as set forth in this Tariff.** For the purpose of this tariff, where the customer is a third-party provider of CCS7 services to its customer ("Third Party Customers"), the customer will develop its project.4 PIU factor based upon a weighted average of the PIU's of its Third Party Customers' end user traffic in accordance with the procedures described below. **In the event a Third Party Customer does not provide a projected PIU, a 50 percent PIU will be utilized for that Third Party Customer.** (C)

The IC will provide in its initial order the projected Percent Interstate Usage (PIU) at a statewide level on a local exchange company specific basis. When the IC and/or End User computes the PIU, it will subtract the developed percentage from 100 and the difference is the percent intrastate usage. The sum of the interstate and intrastate percentage will equal 100 percent. A PIU of less than 100 percent is not allowed where the service is not available as an intrastate access service. The projected PIU may include up to two decimals.

The intrastate usage is to be developed as though every call that originates from a calling location (as designated by the calling station number) within the same state as that in which the called station (as designated by the called station number) is situated is an intrastate communication and every call for which the point of origination (as designated by the calling station number) is in a state other than that where the called station (as designated by the called station number) is situated is an interstate communication. The manner in which the call is routed through the telecommunications network does not affect the jurisdiction of a call, i.e., a call between two points within the same state is an intrastate communication even if the call is muted through another state.

The Company will designate the number obtained by subtracting the intrastate percentage furnished by the IC from 100 (100 -customer percentage = interstate percentage) as the projected interstate percentage of use.

b. When an IC initially orders service(s), as defined in the following, the IC will state in its order the Percent Interstate Usage (PIU) separately for each, as set forth in a. preceding.

- BellSouth SWA FGA
- BellSouth SWA FGB
- BellSouth SWA FGD
- BellSouth SW 500 Service

700 Service

BellSouth SWA 8XX Toll Free Dialing Ten Digit Screening Service

- BellSouth SWA 900 Service

BellSouth CCS7 Access Arrangement

- Switched Local Channel
- BellSouth SWA Dedicated Interoffice Channel
- Channelization Equipment

DNALs associated with BellSouth SWA LSBSA²

- BellSouth Billing Name and Address

BellSouth Inward Operator Service

Note 1: Except where indicated herein, references to BellSouth SWA FGs will also include the applicable BellSouth SWA Basic Serving Arrangement as detailed in the matrix in E6.1.3.A. (e.g., the term BellSouth SWA FGA represents both BellSouth SWA FGA and BellSouth SWA LSBSA).

Note 2: Where BellSouth SWA LSBSA is provisioned with a DNAL, the DNAL rates should be apportioned between interstate and intrastate using the same PIU factor as applied to the associated BellSouth SWA LSBSA.

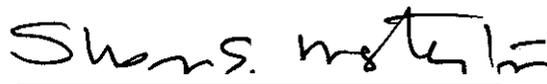
CERTIFICATE OF SERVICE

Docket No. _____

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail this 12th day of July, 2001 to the following:

Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, Florida 32301-1 556

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



Susan S. Masterton

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