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E. GARY EARLY

July 18, 1997

David E. Smith  
Director of Appeals  
c/o Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0862

RE: Prepaid Calling Services Proposed Rule, Docket No. 96-24-TI

Dear Mr. Smith:

We represent BellSouth Mobility Inc. (BMI) a commercial mobile radio service (CMRS) provider doing business in the State of Florida. On behalf of BMI we hereby provide the Florida Public Service Commission with the following comments and suggestions to the PSC's proposed rule regarding prepaid calling services (PPCS) published in the Florida Administrative Weekly, Volume 23, No. 26, pp. 3200-3203, June 27, 1997. We request that these comments and suggestions be considered by the PSC and be made part of the record of the rulemaking proceeding, and that either a clarification be made by the Commission regarding the scope of the proposed rule or the proposed rule be modified to reflect these comments and suggestions pursuant to Section 120.54(3)(d)1., F.S.

BMI's comments relate to the extent to which the proposed rule applies to prepaid calling services offered by CMRS providers. The term "company" is defined in proposed rule 25-24.905(1), as "any entity providing prepaid calling services using its own or re-sold telecommunications network to provide prepaid calling services." Through the use of the broad term "entity" it appears as though the term "company," and therefore the remainder of the proposed rule, could be construed to apply to CMRS providers. However the proposed rule goes on to identify a "company" as an entity providing PPCS through a "telecommunications network." The term telecommunications network is used by the Florida Legislature in the context of companies that are certificated by the Commission to provide telecommunications

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services, and do not include CMRS providers. In addition, proposed Rule 25-24.910 requires a company that provides PPCS to obtain a certificate of public convenience and necessity as a local exchange company (LEC), an alternate local exchange company (ALEC) or an interexchange company (IXC). Each of these terms is commonly understood to apply to "telecommunications companies" as that term is defined in Section 364.02(12), F. S., and would therefore exclude CMRS providers from the scope of the proposed rule. Based on the general scope of the PSC's regulatory jurisdiction over CMRS providers, and the limitations contained in the proposed rule itself, we believe that the proposed rule does not apply to prepaid calling services offered by cellular companies, as long as the services are only available for cellular use.

We request that the foregoing comments be included in the record of this rulemaking proceeding and be considered by the Florida Public Service Commission prior to final adoption of the Rule. If you have any questions or concerns regarding the substance of these comments please contact us.

Sincerely,



Mark Herron  
E. Gary Early

EGE/mcd