



Public Service Commission

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DATE: FEBRUARY 22, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMPETITIVE SERVICES (CASEY, BULECZA-BANKS)
DIVISION OF LEGAL SERVICES (VACCARO) *W*

RE: DOCKET NO. 990455-TL - REQUEST FOR REVIEW OF PROPOSED NUMBERING PLAN RELIEF FOR THE 305/786 AREA CODE

AGENDA: 03/06/01 - REGULAR AGENDA - SETTLEMENT PROPOSAL - PARTIES MAY PARTICIPATE

CRITICAL DATES: 04/02/01 - 90-DAY TIMEFRAME GRANTED BY THE FLORIDA SUPREME COURT TO ATTEMPT TO RESOLVE THE APPEAL OF ORDER NO. PSC-00-1937-PAA-TL

SPECIAL INSTRUCTIONS: THIS ITEM SHOULD IMMEDIATELY FOLLOW STAFF'S RECOMMENDATION ADDRESSING THE FLORIDA CODE HOLDER'S GROUP'S PROPOSED STIPULATION IN DOCKETS NOS. 990455-TL, 990456-TL, 990457-TL, AND 990517-TL

FILE NAME AND LOCATION: S:\PSC\CMP\WP\990455B.RCM

CASE BACKGROUND

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, the Commission ordered area code relief for the 305/786, 954, 561, and 904 area codes. The Order was a final agency action with the exception of portions concerning rate center consolidation and code sharing in the Keys and Miami/Dade areas, which were Proposed Agency Actions (PAA). The Commission issued Amendatory Order PSC-00-1937A-PAA-TP on November 3, 2000, due to a technical difficulty in the Commission's computer system (text set forth in table headings on pages 42, 74, 76 and 77 was inadvertently omitted).

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On November 7, 2000, the Florida Code Holders Group (FCHG)¹ filed a joint motion for reconsideration and request for hearing on the PAA portion of the Order concerning code sharing. Pursuant to the Notice of Further Proceeding attached to the Order, motions for reconsideration were due within 15 days of the issuance of this Order. The FCHG joint motion for reconsideration was filed on November 7, 2000, one day late, and is considered untimely under case law. However, the request for hearing on the PAA portion of the Order concerning code sharing was filed timely within the 21 day protest period.

On November 9, 2000, AT&T and AT&T Wireless filed a joint motion to accept the FCHG petition for reconsideration as timely filed, stating that "technical difficulties were encountered which delayed the completion of the copying process." The messenger who was sent with the FCHG motion for reconsideration arrived late and found the doors to the Office of Records and Reporting locked. The messenger returned the next morning and filed the motion for reconsideration and request for hearing on the PAA at 8:00 a.m. on November 7, 2000, causing the late filing.

On November 13, 2000, the Office of Public Counsel (OPC) filed a protest to the portion of the Order that requires a ballot in the Keys on a rate additive. By Order PSC-01-0091-PAA-TL, issued January 10, 2001, the Commission approved the BellSouth Telecommunications, Inc. (BellSouth) and OPC stipulation stating that BellSouth agrees to absorb the non-recurring cost for the operational support system upgrades necessary to implement rate center consolidation. It continues by stating that BellSouth also agrees to absorb the recurring cost of eliminating Extended Calling Service as a result of consolidating the seven Florida Keys rate centers into one. This negates the requirement in Commission Order No. PSC-00-1937-PAA-TL to ballot customers of the Keys area because they would not experience a rate additive for the rate center consolidation. However, there is a possibility that customers in the Keys area may incur a cost should BellSouth seek to establish a new exchange due to rate center consolidation. Consummating Order No. PSC-01-0310-CO-TL, issued February 5, 2001, made Order PSC-01-0091-PAA-TL final and effective.

Also on November 13, 2000, BellSouth filed a Petition for Withdrawal or Modification of Proposed Agency Action, or, in the

¹ AllTel Florida, Inc., AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, MCI WorldCom, Inc., and Sprint

Alternative, Formal Hearing. In this Petition, BellSouth requests that the Commission withdraw the proposed agency action portion of its Order to reflect that the rate center consolidation will be implemented voluntarily by BellSouth in the Miami-Dade area provided: 1) those customers approve it in a balloting process, 2) BellSouth recovers the resulting costs and lost revenues, and 3) numbering resources are resolved. By agreement with the OPC, BellSouth agreed to absorb the balloting and rate center consolidation costs for the Keys area.

On November 20, 2000, Cingular Wireless LCC (Cingular) and BellSouth, each filed a Notice of Appeal with the Florida Supreme Court appealing FPSC Order No. PSC-00-1937-PAA-TL.

In addition, on November 20, 2000, a Joint Motion for Reconsideration was filed by Cingular and BellSouth. This Motion asserted "Because Order No. PSC-00-1937A-PAA-TL amended Order No. PSC-00-1937-PAA-TL, this Motion for Reconsideration is timely filed within 15 days of the date that the Order was issued, as required by Rule 25-22.060."

On November 29, 2000, the Commission received notification from the North American Numbering Plan Administrator (NANPA) that the Florida telecommunications industry request for a new NPA code for relief of the 561 NPA was denied. NANPA indicated that the request was denied because the Commission decision for area code relief for NPA 561 did not meet the Industry Numbering Committee (INC) guidelines. The chosen area code relief only provides relief in one region for 3.1 years, which does not meet the INC minimum guidelines of five years for a area code relief plan.

Also on November 29, 2000, VoiceStream Wireless filed VoiceStream Wireless' Notice of Joinder in Support of Motions for Reconsideration. It stated "VoiceStream Wireless, formerly known as Omnipoint Communications MB Operations, LLC d/b/a Omnipoint Communications, hereby files this Notice that VoiceStream Wireless joins and supports the Joint Motion for Reconsideration filed by Joint Petitioners on November 6, 2000 and the Joint Motion for Reconsideration filed by Cingular Wireless LLC and BellSouth Telecommunications, Inc. on November 20, 2000, specifically with respect to the pending requests for reconsideration and clarification of the Commission's further rationing of NXX codes and establishment of a 75 percent utilization threshold rate for new codes."

On December 12, 2000, the Commission filed a petition with the Florida Supreme Court requesting that the Court relinquish

jurisdiction in the BellSouth and Cingular appeals back to the Commission to review and reconsider Order No. PSC-00-1937-PAA-TL on its own motion.

On December 15, 2000 the FPSC received an "Acknowledgment of New Case" from the Florida Supreme Court. The acknowledgment referenced Cingular Wireless LCC, Etc. vs J. Terry Deason, Etc. and assigned case number SC 00-2460 to the appellants petitions.

On December 29, 2000, the Federal Communications Commission (FCC) issued Order No. FCC 00-429, the Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking CC Docket No. 99-200. Order FCC 00-429 addressed several items included in PSC-00-1937-PAA-TL which are a matter of dispute including code rationing and aging of numbers.

On January 2, 2001, in reference to "Cingular Wireless LCC, Etc. vs J. Terry Deason, Etc." and "BellSouth Communications, Inc. vs J. Terry Deason," the Florida Supreme Court issued an Order stating "Appellees' Motion to Relinquish Jurisdiction is granted and the jurisdiction of the above cases is temporarily relinquished to the Florida Public Service Commission for a period of ninety (90) days to reconsider Order No. PSC-00-1937 on its own motion and in light of the FCC's recent numbering optimization decision, and to pursue and perhaps approve settlement of these cases and the outstanding protest to the proposed agency action decisions of Order No. PSC-00-1937."

On January 8, 2001, in response to NANPA's refusal to issue a new NPA for the 561 area, the FPSC filed a petition with the FCC for an "Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area; CC Docket No. 96-98." The FCC assigned DA No. 01-341 to the FPSC's petition. Comments are due March 9, 2001 with reply comments due March 23, 2001.

On January 16, 2001, staff conducted an Issue Identification and Settlement Meeting to identify and discuss the issues to be addressed at hearing regarding the petitions on the PAA portion of Order No. PSC-00-1937-PAA-TL. Parties and staff also discussed possible settlement of the appeal. All interested persons were invited to attend, but discussion was limited to the parties of record.

On January 26, 2001, the Commission issued Order No. PSC-01-0241-PCO-TL, establishing procedure regarding the protests of the

PAA portion of Order No. PSC-00-1937-PAA-TL. Accordingly, an administrative hearing is scheduled to address the Commission's decision regarding rate center consolidation and code sharing.

On February 2, 2001, the Joint Parties² filed an Offer of Settlement to Resolve the Code Sharing Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TL. Also on February 2, 2001 BellSouth filed a Motion to Resolve Reconsideration or Challenges to Rate Center Consolidation for the Miami/Dade 305/786 Region. On February 19, 2001, the Joint Parties filed a letter amending the offer of settlement, withdrawing their request to reconsider wireless grandfathering.

This recommendation addresses BellSouth's Motion to Resolve Reconsideration or Challenges to Rate Center Consolidation for the Miami/Dade 305/786 Region which was filed February 2, 2001. BellSouth's Motion is attached to this recommendation as Attachment A.

JURISDICTION

This Commission has authority to address area code relief pursuant to 47 C.F.R. §§ 52.3 and 52.19. In addition, as part of its ongoing effort to conserve area codes, on April 2, 1999, the Commission filed a petition with the Federal Communications Commission (FCC) seeking authority to implement number conservation measures, which could help minimize consumer confusion and expenses associated with imposing new area codes too frequently.

On September 15, 1999, the FCC issued Order FCC 99-249, granting the Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures. FCC 99-249 granted the Commission interim authority to: 1) Institute thousand-block pooling by all LNP-capable carriers in Florida; (2) Reclaim unused and reserved NXX codes; (3) Maintain rationing procedures for six months following area code relief; (4) Set numbering allocation standards; (5) Request number utilization data from all carriers; (6) Implement NXX code sharing; and (7) Implement rate center consolidation.

² AllTel Florida, AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, Florida Cable Telecommunications Association, Inc., VoiceStream Wireless, Sprint-Florida, Inc., Sprint Communications Company Limited Partnership, Sprint PCS, Volusia County, and WorldCom, Inc.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission vacate the portion of Order No. PSC-00-1937-PAA-TL which requires rate center consolidation (RCC) in the Miami-Dade 305/786 area?

RECOMMENDATION: Yes, the Commission should vacate the portion of Order No. PSC-00-1937-PAA-TL which requires RCC in the Miami-Dade 305/786 area.

STAFF ANALYSIS: By Order No. PSC-00-1937-PAA-TL, issued November 3, 2000, the Commission ordered RCC in the Miami-Dade 305/786 area. The Order stated that RCC may be effective in the Miami-Dade portion of the 305/786 region and that implementation of RCC may provide significant relief from the exhaustion of NXXs in this rapidly growing region. The Commission recognized that revenue neutral cost recovery would be appropriate for the implementation of RCC in the Miami-Dade region. Since RCC would have an impact on customers in this region, the Commission ordered BellSouth to ballot the customers in the Miami-Dade region to determine if they would be willing to pay a rate additive to implement rate center consolidation in this region.

By Order PSC-00-2055-PAA-TL, issued October 27, 2000, the Commission acknowledged that it would be appropriate to use the survey criteria in Rule 25-4.063, Florida Administrative Code, as balloting guidelines regarding RCC in the Miami-Dade area, and ordered that to be valid, not less than 40 percent of the ballots must be returned, and a simple majority of those ballots must vote in favor of the proposed action. If approved, the proposed action would result in an increase in monthly rates in exchange for the proposed rate center consolidation.

On November 13, 2000, BellSouth filed a "Petition for Withdrawal or Modification of Proposed Agency Action, or, in the Alternative, Formal Hearing." In its Petition, BellSouth requests that the Commission withdraw the proposed agency action portion of its Order to reflect that the rate center consolidation will be implemented voluntarily by BellSouth in Miami-Dade provided that: 1) customers approve it in a balloting process, 2) BellSouth recovers the resulting costs and lost revenues, and 3) numbering resources are resolved.

On November 20, 2000, BellSouth filed a "Notice of Appeal" of Order No. PSC-00-1937-PAA-TL to the Florida Supreme Court. On December 12, 2000, the Commission filed a petition with the Florida Supreme Court requesting the Court to relinquish jurisdiction in

the BellSouth appeal back to the Commission. On January 2, 2001, the Supreme Court granted the Commission's petition to relinquish jurisdiction for a period of ninety days to reconsider Order No. PSC-00-1937-PAA-TL on its own motion. On January 16, 2001, staff conducted an Issue Identification and Settlement Meeting in which RCC for the Miami-Dade area was discussed.

On February 2, 2001 BellSouth filed a Motion to Resolve Reconsideration or Challenges to Rate Center Consolidation for the Miami/Dade 305/786 Region. In its motion, BellSouth requests that the FPSC resolve its reconsideration of Order No. PSC-00-1937-PAA-TL and vacate the portion of the Order requiring rate center consolidation in the Miami-Dade 305/768 region or provide BellSouth a means to recover its costs associated with balloting the Miami-Dade region regardless of the outcome of the ballot.

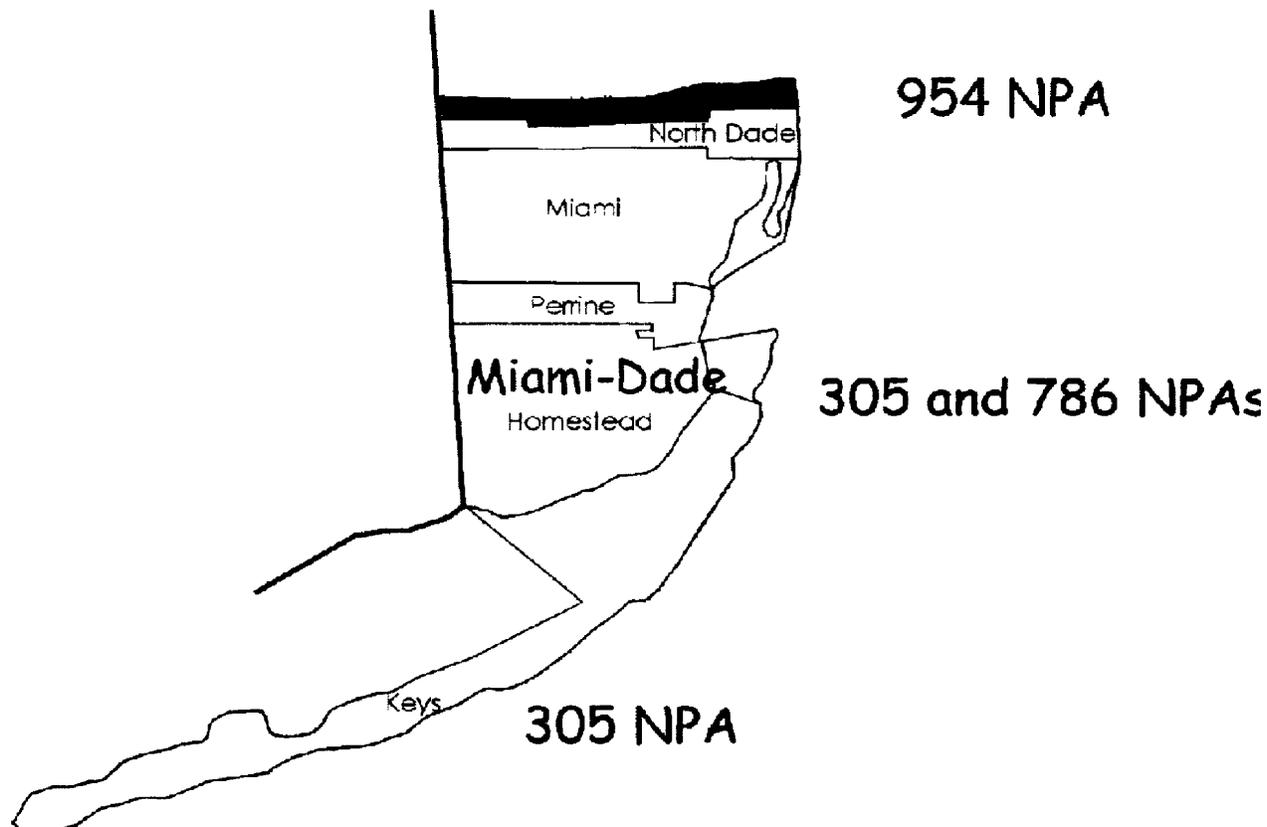
BellSouth estimates that it will incur between \$350,000 and \$830,000 in non-recurring costs to conduct the Commission ordered Miami-Dade poll and ballot mail-out. If the minimum threshold requirement of 40 percent of ballots returned is met, RCC would be implemented and the cost of the balloting would be included in the incremental increase to customers. If the minimum threshold requirement of 40 percent of ballots is returned and customers vote against RCC, or if the 40 percent minimum threshold ballot requirement is not met, BellSouth would incur the \$350,000 to \$830,000 cost for balloting with no means to recover it.

Approximately 1.5 million ballots would need to be mailed to customers in the Miami-Dade area. To meet the balloting criteria established in Order No. PSC-00-2055-PAA-TL, at least 600,000 ballots would need to be returned and counted for the ballot to meet the 40 percent balloting requirement. In addition, the Commission would be responsible for tallying the 600,000 ballots, which would create a unique and laborious task that would likely have to be out-sourced.

BellSouth believes that it is unlikely that responding customers in the Miami exchange, which is the most populous exchange, would approve an increase in basic local service of approximately \$1/month to call Hollywood, Florida on a flat rate basis, which is essentially what the result of RCC in the Miami-Dade area produces. A cursory check of the calling patterns of the Miami customers shows that less than 15 percent of the accounts make four or more calls to the Hollywood area during a typical month. Therefore, given the existing \$0.25 ECS rate to call Hollywood, the \$1.00 monthly rate additive would not be beneficial

to the majority of customers for the calling scope that would be gained.

A map of the Miami-Dade rate centers and EAS calling scopes before and after a Miami-Dade rate center consolidation are as follows:



Exchanges

North Dade

Miami

Perrine

Homestead

EAS before RCC

Hollywood, Miami,
Perrine

Homestead, Perrine,
North Dade

Homestead, Miami,
North Dade

Miami, Perrine

EAS after RCC

Hollywood, Miami,
Perrine, North Dade,
Homestead

Hollywood, Miami,
Perrine, Homestead,
North Dade

Hollywood, Miami,
Perrine, Homestead,
North Dade

Hollywood, Miami,
Perrine, Homestead,
North Dade

Rate center consolidation in the Miami-Dade 305/786 area was not a part of staff's September 15, 2000 area code recommendation. The concept was brought up for discussion at the September 29, 2000 Special Agenda Conference. After a discussion on RCC, staff was instructed to include Miami-Dade and the Keys RCC as part of the PAA. However, the Commission instructed staff to separate the RCC issue for the Keys from the RCC issue for Miami-Dade to allow the Commission to evaluate each issue independently.

By agreement between BellSouth and OPC, RCC in the Keys area is being accomplished through a stipulation approved by Order PSC-01-0091-PAA-TL, issued January 10, 2001. In the stipulation, it states that BellSouth will absorb the non-recurring cost for the operational support system upgrades and will absorb the recurring cost of eliminating Extended Calling Service as a result of consolidating the seven Florida Keys rate centers into one.

Staff believes that the Commission did not contemplate the scenario where the Miami-Dade rate center ballot would fail to pass or where the minimum threshold return would not be received. Order No. PSC-00-1937-PAA-TL stated that "...[r]evenue neutral cost recovery would be appropriate for the implementation of RCC in the Miami-Dade region". If the ballot fails to pass or the minimum threshold for returned ballots is not met, BellSouth would have expended up to \$830,000 with no means to recover the cost, other than a rate case.

Considering the small calling scope to be gained, the high cost of the Miami-Dade 305/786 balloting, and the unlikely result of the ballot passing, staff recommends that the Commission vacate that portion of Order No. PSC-00-1937-PAA-TL which requires balloting in the Miami-Dade area concerning rate center consolidation.

DOCKETS NOS. 990455-TL
DATE: February 22, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No, Staff recommends that this docket remain open until a final order has been issued in this docket. **(VACCARO)**

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, and approves staff's recommendation in Issue 1 of consolidated Dockets Nos. 990455-TL, 990456-TL, 990457-TL, and 990517-TL, which is also being presented at the March 6, 2001, agenda conference, no PAA issues will be outstanding. By Order No. PSC-00-1937-PAA-TL however, the Commission ordered that an implementation schedule for the 305/786 NPA must be submitted to the Commission no later than October 1, 2001. Therefore, staff recommends that this docket remain open until a final order has been issued in this docket.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of) Docket No. 990455-TL
Proposed numbering plan relief)
For the 305/786 area code - Dade)
County and Monroe County/Keys)
Region)
_____) Filed: February 2, 2001

MOTION TO RESOLVE RECONSIDERATION OR CHALLENGES TO RATE CENTER CONSOLIDATION FOR THE MIAMI-DADE 305/786 REGION

BellSouth Telecommunications, Inc. ("BellSouth") requests that the Florida Public Service Commission ("Commission") resolve its reconsideration of Order No. PSC-00-1937-PAA-TL (the "Order") and vacate the portion of the Order requiring rate center consolidation in the Miami-Dade 305/768 region or provide BellSouth a means to recover its costs associated with balloting the Miami-Dade region regardless of the outcome of the ballot. As grounds for this motion, BellSouth states the following:

On October 20, 2000, the Florida Public Service Commission ("Commission") issued Order No. PSC-00-1937-PAA-TL, wherein it required implementation of code sharing and rate center consolidation in the Miami-Dade portion of the 305/786 region. See Order No. PSC-00-1937-PAA-TL at 16. In the Order, the Commission held that BellSouth would be entitled to revenue neutral cost recovery for the implementation of the rate center consolidation. *Id.* However, because revenue neutral cost recovery would have an impact on customers in the 305/786 region, the Commission ordered BellSouth to ballot the

customers in the region to determine if they were willing to pay a rate additive to implement rate center consolidation. *Id.*

On October 27, 2000, the Commission issued Order No. PSC-00-2055-PAA-TL, which provided the guidelines for the rate center consolidation ballot of the Miami-Dade region. Under this Order, in order to be valid, not less than 40% of the ballots would have to be returned, and a simple majority must vote in favor of the ballot. See Order No. PSC-00-2055-PAA-TL.

3. On November 7, 2000, BellSouth and other members of the industry filed a Joint Motion for Reconsideration and Request for Hearing on Proposed Agency Action, which the Commission determined was untimely.

4. On November 13, 2000, BellSouth filed its Petition for Withdrawal or Modification of Proposed Agency Action, or, in the Alternative, Formal Hearing, wherein BellSouth argued, among other things, that the Commission lacked the statutory authority to order rate center consolidation because it would result in a change in BellSouth's rates in violation of the price regulation statute, § 364.051, *Florida Statutes*. BellSouth did agree to voluntarily implement rate center consolidation in the Miami-Dade region if the customers voted in favor of rate center consolidation and BellSouth could recover its resulting costs and lost revenues. For these reasons, BellSouth requested that the Commission withdraw the portion of its Order that required rate center consolidation in the Miami-Dade 305/768 region.

5. In addition, on November 20, 2000, BellSouth filed a Notice of Appeal with the Florida Supreme Court to challenge the Order.

6. On December 12, 2000, the Commission filed a Motion to Relinquish Jurisdiction with the Florida Supreme Court, wherein it requested that the Supreme Court temporarily relinquish jurisdiction of the case so that the Commission could review and reconsider the Order on its own motion and to resolve the appeals and the protests of the Order. See Motion to Relinquish Jurisdiction at §§1, 3-4.

7. On January 2, 2001, the Supreme Court granted the Commission's Motion to Relinquish Jurisdiction and ordered the following:

[T]he jurisdiction of the above case is temporarily relinquished to the Florida Public Service Commission for a period of ninety (90) days to reconsider Order No. PSC-00-1937 on its own motion and in light of the FCC's recent numbering optimization decision, and to pursue and perhaps approve settlement of these cases and the outstanding protests to the proposed agency action decisions of Order No. PSC-00-1937.

See Supreme Court Order NO. 00089 at 1.

8. Soon thereafter, the parties met and reached a tentative settlement as to all issues that were the subject of the protests and appeals, except for the portion of the Order that required rate center consolidation of the Miami-Dade 305/768 region. Upon information and belief, rate center consolidation of the Miami-Dade 305/768 region would be the only remaining issue to go to hearing if the Commission approves the offer of settlement.

9. BellSouth requests that the Commission, in reviewing and reconsidering the Order as directed by the Supreme Court, consider the following reasons for vacating the portion of the Order requiring rate center consolidation in the Miami-Dade 305/768 region in addition to those previously set forth by BellSouth:

a. The Commission ordered that rate center consolidation in the Miami-Dade region be implemented through a revenue neutral cost recovery basis, thereby allowing BellSouth to recover foregone revenue and costs associated with rate center consolidation. See Order No. PSC-00-1937-PAA-TL at 16. However, because revenue neutral cost recovery would have an impact on customers in the region, the Commission ordered BellSouth to ballot the customers in Miami-Dade to determine if they were willing to pay a rate additive to implement rate center consolidation. *Id.*

b. Under the Order, if the customers approve the ballot, then rate center consolidation will go into effect and BellSouth can recover its costs, including the costs associated with the ballot, on a cost neutral basis through the rate additive. On the other hand, if the customers reject the rate additive, then rate center consolidation will not go into effect and BellSouth will have no method of recovering any of the costs of balloting.

c. BellSouth estimates that it will incur between \$350,000 and \$830,000 in nonrecurring costs to conduct the Commission ordered ballot. See Affidavit of Stan Greer attached hereto as Exh. A. These costs are for preparing

and mailing approximately 1.5 million ballots to the customers in the Miami-Dade region, at least 600,000 would need to be returned and counted to meet the 40% filing threshold. *Id.*

d. It is BellSouth's belief that even if the requisite numbers of ballots are returned, which is questionable, it is unlikely that the responding customers would approve such a ballot because it would involve an increase of approximately \$1 a month in the price of their basic local service with little in return.

Specifically, based on the population demographics of Miami-Dade County, BellSouth believes that most customers in the Miami exchange, which is the most populous exchange, would not approve an increase in basic local service in return for calling Hollywood, Florida on a flat rate basis, which is the effective result of the rate center consolidation. See Chart attached thereto as Exh 1.

e. BellSouth's ability to recover the \$350,000 to \$830,000 costs associated with the ballot is intimately intertwined with whether or not the customers of the Miami-Dade region pass the ballot. If the customers do not pass the ballot, then BellSouth has no means in which to recover those costs incurred in conducting the ballot.

f. BellSouth suggests that this result was not intended by either BellSouth or the Commission. As evidenced by the fact that the Order required rate center consolidation in the Miami-Dade region on a cost neutral basis, the Commission specifically contemplated and concluded that BellSouth was entitled

to recover all costs and lost revenue associated with the implementation of rate center consolidation.

10. BellSouth submits that, given the fact that the parties have a tentative settlement as to all of the other challenges to the Order, resolution of the Commission's reconsideration of the Order is in the interests of judicial economy and necessary to avoid piece meal litigation of the issues in this docket.

WHEREFORE, because BellSouth has no means in which to recover its costs if the customers in the Miami-Dade region do not pass the rate center consolidation ballot, BellSouth requests that the Commission resolve its reconsideration of the Order and vacate the portion of the Order requiring rate center consolidation in the Miami-Dade 305/786 region or provide BellSouth a means in which to recover its costs if the ballot fails.

Respectfully submitted this 2nd day of February, 2001.

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