

JAMES MEZA III
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February 28, 2001

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

Re: Docket No. 000028-TL (Anthony Parks Matter)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Prehearing Statement, 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 (XHA)

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

DOCUMENT NUMBER-DATE
02731 FEB 28 2001

CERTIFICATE OF SERVICE
Docket No. 000028-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 28th day of February, 2001 to the following:

Timothy Vacarro
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6181
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Administrative Procedures Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

Florida Cable Telecommunications Assoc.
Michael A. Gross
246 E. 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
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mgross@fcta.com

Anthony Parks
P.O. Box 812283
Boca Raton, FL 33481



Jim Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth)
Telecommunications, Inc., for Waiver) Docket No. 000028-TL
of Rules 25-4.107, 25-4.108, and)
25-4.113, Florida Administrative Code)
_____) Filed: February 28, 2001

PREHEARING STATEMENT OF BELL SOUTH TELECOMMUNICATIONS, INC.

BellSouth Telecommunications, Inc. ("BellSouth"), in compliance with the Order Establishing Procedure (Order No. PSC-00-2406-PC0-TP) issued on December 14, 2000, hereby submits its Prehearing Statement for Docket No. 000028-TL.

A. Witnesses

BellSouth proposes to call the following witness to offer testimony on the issues in this docket:

| <u>Witness</u> | <u>Issue(s)</u> |
|--|------------------------|
| Nancy H. Sims and Patricia K. Shields (Direct) | All |

BellSouth reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct testimony and witnesses to address issues not presently designated that may be designated by the Prehearing Officer at the prehearing conference to be held on March 12, 2001. BellSouth has listed the witnesses for whom BellSouth believes testimony will be filed, but reserves the right to supplement that list if necessary.

B. Exhibits

Nancy H. Sims and Patricia K. Shields

Exhibit NHS/PKS-1
Synopsis and Detailed Account
Information

BellSouth reserves the right to file exhibits to any testimony that may be filed under the circumstances identified in Section "A" above. BellSouth also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and Rules of this Commission.

C. Statement of Basic Position

BellSouth should be allowed to refuse to provide service to Mr. Anthony Parks, a former customer of BellSouth, and to the locations he currently owns, leases, or with which he is in any way associated. Mr. Parks has been linked to at least twenty-five separate accounts with BellSouth, both residence and business. He has used many avenues to obtain service, and, in every instance, his account has been disconnected for fraudulent practices and/or for nonpayment. Mr. Parks currently owes BellSouth more than \$22,750 in past due billing. BellSouth has been more than fair in giving Mr. Parks every opportunity to establish service and to keep service. BellSouth has spent

an inordinate amount of time, money, and resources on treating Mr. Parks and his related accounts. This is time, money and resources that had to be redirected from providing service to BellSouth's other customers. For these reasons, BellSouth should not be required to provide service to Mr. Parks.

D. BellSouth's Position on the Issues

Issue A: [LEGAL ISSUE] What is the Commission's jurisdiction in this matter?

Position: The Commission has jurisdiction in this matter because state law and not federal law is the basis for the rules that govern the provision of telecommunications service to Mr. Parks and the requested waiver.

Issue 1: In the event that BellSouth is granted a waiver of Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, as set forth in its petition, will the purpose of the underlying statutes be achieved by other means?

Position: Yes. The purpose of the underlying statutes, 364.03, 364.04, 364.19 and 427.704, Florida Administrative Code, is, in part, to promote the public health, safety and welfare by ensuring that basic local telecommunications services are available to all consumers. BellSouth's waiver will not undermine this purpose. Mr.

Parks has available to him numerous ALECs that provide service in his area. In addition, there are several wireless carriers offering very reasonable flat and measured rate calling plans. Thus, if BellSouth's waiver request is granted, Mr. Parks will still be able to receive basic local telecommunications service.

Issue 2: Does the application of Rules 25-4.107, 25-4108, and 25-4.113, Florida Administrative Code, as set forth in BellSouth's petition, create a substantial hardship for BellSouth or violate principles of fairness?

Position: Yes. Mr. Parks has cost BellSouth as well as the Commission Staff a great deal of time and money. He has taken time away from BellSouth service representatives and Staff personnel that could have been used to handle valid customer concerns and needs. There is no way to accurately determine the number of hours that have been involved in repeatedly dealing with Mr. Parks.

Issue 3: Should BellSouth be granted a waiver of Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, as set forth in its petition?

Position: Yes. Mr. Parks has been linked to at least twenty-five separate accounts with BellSouth. He has used many avenues to obtain service, and, in every

instance his account has been disconnected for fraudulent practices and/or for nonpayment. Mr. Parks currently owes BellSouth more than \$22,750 in past due billing.

E. Stipulations

None.

F. Pending Motions

BellSouth is not aware of any pending motions in this matter.

G. Other Requirements

None.

Respectfully submitted this 28th day of February, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE

JAMES MEZA III

c/o Nancy H. Sims

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