ORIGINAL

Matilda Sanders

From: Fatool, Vicki [Vicki.Fatool@BELLSOUTH.COM]
Sent: Thursday, September 02, 2004 11:26 AM
To: Filings@psc.state.fl.us
Subject: Undocketed Matter relating to participating at Agenda Conference and filing of Cross-Pet. on PAA; Letter re: BST's concerns with proposed rules
Importance: High

A. Vicki Fatool
Legal Secretary to Nancy B. White
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5560
vicki.fatool@bellsouth.com

B. Undocketed Matter: Amendment of Rules 25-22.0021, 25-22.029, 25-22.0376, and 25-22.060, and Repeal of Rule 25-22.058 relating to participating at agenda conference and filing of cross-petitions on proposed agency action

C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White

D. 2 pages total (letter)

E. Letter to Bayo advising of BellSouth Telecommunications, Inc.'s concerns with the proposed rules

<<Undocket.pdf>>

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OTH _____

Legal Department

NANCY B. WHITE
General Counsel - Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

ORIGINAL

September 2, 2004

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

Re: Undocketed Matter: Amendment of Rules 25-22.0021, 25-22.029, 25-22.0376, and 25-22.060, and Repeal of Rule 25-22.058 relating to participation at agenda conference and filing of cross-petitions on proposed agency action

Dear Ms. Bayó:

In connection with the above captioned matter, this is to advise that BellSouth has one concern with the proposed rules. Proposed Rule 25-22.0021(2)(d) states that "when a motion for reconsideration of a non-final or final order is filed, a party that fails to file a written response to a written argument for reconsideration shall be precluded from responding to that argument during oral argument."

Generally speaking, BellSouth supports this concept, however we are concerned that there may be situations in which a written request for reconsideration contains a peripheral argument, a host of arguments that are minor, or an argument contained in a throw-away sentence without support. In those situations, a responding party might concentrate on what it perceives to be the main claim and not address in writing each and every issue. If the moving party then based its oral argument on the peripheral argument, an unsupported argument, or very minor argument that was not addressed in the response, the responding party would be precluded from oral argument.

While BellSouth believes that the situation described herein is more apt to be the exception, not the rule, we wanted to raise it as an issue. BellSouth has discussed its concerns with Ms. Stern and, while we are not requesting a workshop, we have asked Staff to consider our concerns. We will be prepared to discuss our concerns at the agenda at which the rules will be proposed.

Sincerely,

Nancy B. White/VF

Nancy B. White

cc: Marlene Stern
Nancy Sims

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