

ORIGINAL

BELLSOUTH

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September 21, 2004

Ms. Blanca S. Bayo  
Director, Division of the Commission Clerk  
And Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

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SEP 21 PM 4:32  
COMMISSION CLERK

RE: Hurricane Frances and Ivan

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Dear Ms. Bayo:

Pursuant to Section 4.5.4 of BellSouth's Self Effectuating Enforcement Mechanism Administration Plan ("Plan"), approved by the Florida Public Service Commission on February 12, 2002, by Order No. PSC-02-0187-FOF-TP, BellSouth is not obligated for penalties under Tier 1 or Tier 2 Enforcement Mechanism for non-compliance with a performance measure if such non-compliance is the result of a force majeure event.

Hurricane Ivan made landfall in the Florida Panhandle Wednesday, September 15, 2004. Due to the severity of Hurricane Ivan, and continuing efforts to restore service due to Hurricane Frances, BellSouth continues to declare its entire service area in the State of Florida as the service emergency area effective September 15, 2004 (the date that Hurricane Ivan made landfall).

Also, in our September 8, 2004 letter to Ms. Bayo, BellSouth stated that that its entire service area would be defined as the service emergency area effective September 7, 2004. The letter should have stated September 4, 2004 as that is the date that Hurricane Frances made landfall on the East Coast of Florida.

BellSouth will provide updates to our recovery efforts and advise the Commission when the service emergency period is concluded. BellSouth views Hurricane Ivan, as it did with

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Hurricane Frances and Hurricane Charley as a force majeure event relieving BellSouth of penalty obligations under this plan.

If you have any questions concerning this matter, please call me.

Sincerely,

Handwritten signature of Marshall M. Criser III in cursive script.

Marshall M. Criser III

Cc: Braulio L Baez, Chairman  
J. Terry Deason  
Lila A. Jaber  
Rudolph Bradley  
Charles M. Davidson  
Beth Salak  
Lisa Harvey  
Rhonda Hicks  
Harold McLean  
Charles Beck  
Scott Mulcahy  
Nancy White