BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the inter-connection of mobile carriers with facilities of local exchange companies	)	DOCKET NO. 870675-TL ORDER NO. 21673 ISSUED: 8-3-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
GERALD L. GUNTER
JOHN T. HERNDON

ORDER ON MOTIONS FILED BY
FLORIDA RADIO TELEPHONE ASSOCIATION, INC.

BY THE COMMISSION:

Radio Common Carriers (RCCs) and Private Land Mobile Radio Systems (PLMRSs) were formerly furnished interconnection with the telephone network by local exchange companies (LECs) under one tariff section (the RCC Section) and Cellular Mobile Carriers (CMCs) received this service under another (the Experimental Section). One of the issues in the above-referenced proceeding concerned whether a single tariff section would be appropriate for all mobile carriers. The record discusses the types of interconnection that RCCs receive and compares them to the types of interconnection furnished CMCs. One witness testified on behalf of the Florida Radio Telephone Association, Inc. (FRTA), that RCCs utilize connections which are similar to the Type 1 interconnection offered under the Experimental Section. He also stated that RCCs and CMCs can and should be served identically and should receive service under the same tariff provisions. Finally, he said that all users of Type 1 interconnection should be treated alike.

Order No. 20475, issued December 20, 1988 (the Order), explains our decision on the issues addressed in this proceeding. Based on the record, we concluded that the type of interconnection that RCCs used was the same or substantially similar to the Type 1 interconnection utilized by CMCs and ordered that the rates in the Experimental Section be approved for all mobile carriers. See page 15 of the Order. The Order

also approved several modifications intended to ensure that all mobile carriers would have available to them those facilities that they need.

Pursuant to the Order, Southern Bell Telephone and Telegraph Company (Bell), GTE Florida Incorporated (GTEFL), United Telephone Company of Florida (United) and Central Telephone Company of Florida (Centel) filed tariff revisions on January 19, 1989 (the Revisions). When our Staff began its review of the Revisions, it found that the Revisions of Bell, United and Centel sought to retain trunk facility rates assessed to RCCs and PLMRSs under the RCC Section. When contacted by our Staff, Bell expressed its belief that the interconnection furnished RCCs under the RCC Section was inferior to Type 1 interconnection offered under the Experimental Section. Despite FRTA's testimony that RCCs utilize Type 1 connections, the three LECs took the position initially that the RCCs use a line-side connection and signaling formats that differ from Type 1 interconnection which is a trunk-side connection. Thus, the Experimental Section's description of Type 1 did not accurately reflect the interconnection being furnished to RCCs. These LECs stated that they did not want to force RCCs to alter their systems to accommodate Type 1 interconnection and thus had retained the RCC Section's rates for trunk facilities in the Revisions. Because the Order stated that the same rates would be charged for the same or substantially similar services, our Staff requested that Bell, United and Centel amend their Revisions to apply the rates from the Experimental Section to all types of interconnection for all mobile carriers. These three LECs complied with our Staff's request and amended their Revisions to make these changes.

Bell filed a petition for reconsideration of the Order on January 4, 1989, and four other parties, including FRTA, filed responsive pleadings. Bell raised issues concerning the interLATA call restriction, the optional LATA-wide dialing rate and the time increments used for billing purposes. In their responsive pleadings, neither FRTA nor any other party raised the issue of trunk facility rates to be assessed to RCCs and PLMRSs. At our Agenda Conference on March 3, 1989, we ruled on Bell's petition. Additionally, we dismissed GTEFL's responsive pleading as an untimely petition for reconsideration. These actions are explained in Order No. 20979, issued April 4, 1989

(the Reconsideration Order). Effective dates for the tariff changes mandated by our resolution of the issues raised on reconsideration were set for fifteen days after the Reconsideration Order was issued.

On March 28, 1989, FRTA filed two motions. The first requests that we compel the LECs to comply with the Order "by offering one-way trunks and trunk termination facilities, and at separate rates equal to the current rates for those facilities." The second asks us to hold this docket open, pending disposition of its first motion, in order to postpone the effective date of two rate elements in the Revisions, i.e., the one-way trunks and one-way trunk terminations, and to stay their effectiveness. Bell responded to FRTA's first motion on April 10, 1989, asserting that it has no objection.

FRTA's motions are essentially petitions for reconsideration, and as such, they were untimely filed. As mentioned above, we have already dismissed one untimely request for reconsideration filed by GTEFL in this docket. With respect to that pleading, the Reconsideration Order states that were we to accept such pleadings, pleading cycles could become interminable, leading to endless delays and extensions and creating an inordinate waste of resources. We struck GTEFL's pleading in the interest of protecting a rational pleading procedure and in order to avoiding setting a precedent for untimely pleadings in other proceedings. FRTA's motions must be dismissed on the same grounds. Additionally, we find FRTA's request that we hold this docket open to be superfluous because the Reconsideration Order takes this action so that those LECs that did not participate in this proceeding can revise their tariffs pursuant to the Order.

The different interpretations placed on the Order initially by the LEC parties have led us to review, on our own motion, our decision regarding the rates to be assessed by LECs for trunking facilities furnished to RCCs and PLMRSs. We confirm our intention that the rates for trunks and trunk terminations, as contained in the Experimental Section, be approved for application to all mobile carriers. The Order clearly states that we approve the rates from the Experimental Section. It also directs that one-way trunks and trunk terminations - - which are important services for paging RCCs that require one-way facilities - - be made available as well

as digital and analog services. All mobile interconnection services were ordered to be provided to all mobile carriers. The effect on the RCCs of our action is that their trunk rates increase while their trunk termination rates did not change. We conclude that the rates for trunks and trunk terminations properly went into effect on April 19, 1989, because these amended tariff proposals comply with the intent of the Order and should not be replaced with the rates that were formerly in effect for RCCs under the RCC Section.

It is, therefore,

ORDERED by the Florida Public Service Commission that Florida Radio Telephone Association, Inc.'s motions filed on March 28, 1989, are hereby denied. It is further

ORDERED that, upon review on its own motion, the Florida Public Service Commission finds that the rates being assessed by Southern Bell Telephone and Telegraph Company, GTE Florida Incorporated, United Telephone Company of Florida and Central Telephone Company of Florida for trunking facilities furnished to Radio Common Carriers and Private Land Mobile Radio Systems became effective on April 19, 1989, because the companies' amended tariff revisions comply with Order No. 20475, issued December 20, 1988, and need not be revised. It is further

ORDERED that this docket shall remain open for further proceedings.

By ORDER of the Florida Public Service Commission, this 3rd day of AUGUST, 1989.

STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.