

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petitions for) DOCKET NO. 920868-TP
authority to waive certain) ORDER NO. PSC-92-1227-FOF-TL
regulated interexchange and local) ISSUED: 10/29/92
exchange charges in the Hurricane)
Andrew and Pinellas County)
tornado impact areas.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING TEMPORARY EMERGENCY WAIVERS

BY THE COMMISSION:

I. BACKGROUND

By Order No. PSC-92-0910-FOF-TP, this Commission authorized certain emergency procedures to facilitate the offering of needed services in response to the conditions resulting from Hurricane Andrew. In order to expedite the availability of needed services, we delegated the authority to specified members of the Commission and the Commission staff to approve certain waivers for services on an interim emergency basis.

II. WAIVER REQUESTS

On October 5, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed an Emergency Motion for Waiver of local usage charges for certain independent pay telephone providers. On October 6, 1992, Southern Bell filed an Emergency Motion to Extend "Emergency Temporary Order Authorizing Certain Tariff and Rule Waivers". During our consideration of Southern Bell's waiver requests at our October 6, 1992, Agenda Conference, GTE Florida Incorporated (GTEFL) orally sought a waiver of nonrecurring charges for customers who request temporary service as a result of the destruction caused by tornadoes in Pinellas and Pasco Counties on October 3, 1992. Each request is addressed below.

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A. Waiver of Access Charges - Southern Bell

By Order No. PSC-92-1166-FOF-TL, we approved a waiver of originating access charges for a period of 30 days for certain payphones in areas affected by Hurricane Andrew. The requested waiver was limited to those interexchange carriers which provide free interexchange calls from payphones. Southern Bell has now asked for an extension of the waiver until and including October 30, 1992. Upon consideration we grant the request to extend the waiver. Granting the extension will continue to permit various long distance companies to provide free or reduced rate service from emergency payphones, as designated by the City of Miami, in the hurricane disaster area. We note that Southern Bell has also obtained an additional 30-day waiver of the Modification of Final Judgement (MFJ) to waive access charges on September 28, 1992. Southern Bell shall continue to keep track of the revenues and rate elements waived. This information shall be included in the report on other waivers granted by the Commission, which is due January 1, 1993. See Order No. PSC-92-0910-FOF-TP.

B. Waiver of PATs Local Usage Charges

On October 5, 1992, Southern Bell filed a Motion requesting a authority to waive the local usage charges to certain independent pay telephone providers whose stations are present at emergency relief locations designated by the City of Miami. The requested waiver is limited to those payphones providing free local and toll calls. The Company also seeks authority to credit the providers of these calls for the local usage charges incurred from September 1, 1992, until the present. Upon consideration, we approve the requested waivers. Our action is consistent with and will facilitate our past decisions allowing certain PATs providers to provide free service.

C. Waiver of Nonrecurring Charges - GTEFL

During our deliberations at the October 6, 1992 Agenda Conference, GTEFL requested authority to waive, for 60 days, certain nonrecurring charges for customers who request temporary service as a result of the destruction caused by tornadoes in Pinellas and Pasco Counties on October 3, 1992.

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By Order No. PSC-92-0910-FOF-TP, we authorized GTEFL to waive nonrecurring charges for establishment of residential service for military personnel shipped to MacDill Air Force Base from Homestead Air Force Base. Consistent with our prior decision, we grant GTEFL's waiver for a period of 60 days. GTEFL shall keep records on the service elements and dollar amounts waived. GTEFL shall provide this information to the Commission staff 30 days after the end of the waiver period.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Emergency Motion for Waiver of local usage charges for certain independent pay telephone providers is approved as set forth in the body of this Order. It is further

ORDERED that Southern Bell's Emergency Motion to Extend Emergency Temporary Order Authorizing Certain Tariff and Rule Waivers is approved as set forth in the body of this Order. It is further

ORDERED that GTE Florida Incorporated's request to waive nonrecurring charges for customers who request temporary service as a result of the destruction caused by tornadoes in Pinellas and Pasco Counties on October 3, 1992 is approved as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission, this 29th day of October, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Helton
Chief, Bureau of Records

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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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.