

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 931157-TL
tariff filing to remove the rate) ORDER NO. PSC-94-0089-FOF-TL
cap for originating usage of) ISSUED: January 26, 1994
Foreign Exchange Service by GTE)
FLORIDA INCORPORATED (T-93-692)
FILED 11/24/93))
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

I. BACKGROUND

In Docket No. 820537-TL, the Commission approved the restructure and repricing of interLATA foreign exchange (FX) services. The restructure eliminated the flat rate charges at the open end and replaced them with usage sensitive Feature Group A access charges. This change was premised on the principle that an end-user should pay a usage sensitive rate instead of a flat rate because interLATA FX service is an alternative to toll.

In order to maintain consistency for interLATA and intraLATA FX, we determined that both types should have the same rate structure. By Order No. 25521, we approved GTEFL's usage rates for the open end of its intraLATA FX service. In order to minimize the rate shock from the shift from flat-rate to usage sensitive charges, we imposed a usage rate cap of \$67.00 per line per month on originating usage and \$58.00 per line per month on terminating usage was approved for a period of two years.

II. REMOVAL OF INTRALATA FX RATE CAPS

On November 24, 1993 GTE Florida Incorporated (GTEFL) filed a tariff to remove the \$67.00 cap on originating usage. GTEFL is not proposing to remove the \$58.00 cap on terminating usage because some areas of its territory do not have either the measurement or

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the billing capability for terminating traffic. GTEFL states that it will file a tariff to remove the cap on terminating usage approximately six months after measurement and billing is capable in all of its service territory. The reason for the delay is because Order No. 25120, issued September 26, 1991, required the LECs to provide detailed usage information to customers for a period of six months prior to the removal of the cap.

Currently, FX customers receive a credit for all originating usage charges above the \$67.00 per month. They have also been provided with the requisite usage information for at least six months. GTEFL states that current users who exceed the usage cap on a monthly basis will compare alternative options to obtain the most cost-effective solution. GTEFL did not estimate how many customers would drop their FX service.

GTEFL estimates that the removal of the rate cap will result in an annual revenue gain of \$791,198 based on current levels of service subscription. GTEFL proposes to apply the estimated revenue gain of \$791,198 to reductions in its BHMOC. See Docket No. 931156-TL.

Upon consideration we find that GTEFL's tariff filing to remove the rate cap on the originating usage of foreign exchange service should be approved. The removal of the rate cap is consistent with our decision in Order No. 25521. The tariff will be effective February 10, 1994.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff filing by GTE Florida Incorporated to remove the \$67.00 cap on originating usage is approved as set forth in the body of this Order. It is further

ORDERED that the tariff shall be effective February 10, 1994, as set forth in the body of this Order. It is further

ORDERED that if a protest to this tariff is filed according to the requirements set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. If no timely protest is filed, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th
day of January, 1994.



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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 16, 1994.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida

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Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the date this Order becomes final, 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.