

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 941221-TI
proceedings against AT&T) ORDER NO. PSC-95-0683-AS-TI
COMMUNICATIONS, INC./AT&T) ISSUED: June 6, 1995
COLLEGE AND UNIVERSITY SYSTEMS)
for violation of Rule 25-24.470,)
F.A.C., Certificate of Public)
Convenience and Necessity)
Required, and Rule 25-24.4701,)
F.A.C., Provision of Regulated)
Telecommunications Service to)
Uncertificated Resellers)
Prohibited.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER APPROVING MODIFIED SETTLEMENT

BY THE COMMISSION:

On December 27, 1994, we issued Order No. PSC-94-1615-FOF-TI, wherein AT&T Communications, Inc./AT&T College and University Solutions (AT&T/ACUS) was ordered to show cause why it should not be fined for violations of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-24.4701, Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. On January 17, 1995 ACUS responded to that Order and stated that by filing a response that it "in no way concedes that the Commission has jurisdiction over its bill manager services." On March 31, 1995, ACUS filed a Motion for Expedited Approval of Settlement Proposal and Request for Oral Argument.

In its Settlement Proposal, ACUS has offered to "remove its name from bills issued through AT&T Bill Manager Service (BMS) as a basis for full and complete settlement of all matters in this proceeding." It continues to assert that it is not subject to the Commission's jurisdiction.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

We considered ACUS' Settlement Proposal at the May 16, 1995 Agenda Conference. After hearing from ACUS, we decided that the Settlement Proposal, as filed, did not adequately address our concerns. In response, ACUS modified its proposal as follows:

1. ACUS will remove its name from bills issued through AT&T Bill Manager Service.
2. When ACUS is notified of uncertificated resellers, it will cooperate with staff and endeavor to get the uncertificated reseller to obtain a certificate from this Commission.

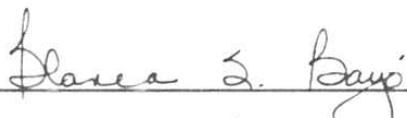
Upon consideration, we approve the modified settlement proposal. In approving this settlement, we are not acquiescing to ACUS' claim that we lack jurisdiction. Nonetheless, we will initiate a rule-making proceeding which will ultimately address the jurisdictional issues raised in this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that AT&T Communications, Inc./AT&T College and University Solutions' Settlement Proposal is approved as modified. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

Commissioner Kiesling dissents from the Commission's decision.

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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 and/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 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.