

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Elimination by Florida) DOCKET NO. 940754-TP
Public Service Commission of) ORDER NO. PSC-95-0809-FOF-TP
prohibitions regarding resale of) ISSUED: July 3, 1995
foreign exchange, private line,)
and special access services of)
local exchange companies.)
_____)

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 TARIFF FILING BY GULF TELEPHONE COMPANY
TO ELIMINATE RESALE RESTRICTIONS

BY THE COMMISSION:

I. BACKGROUND

Since the advent of competition in the telecommunications market, the Commission has maintained a prohibition on the resale of Special Access Services, Private Line Services and Foreign Exchange Services.

The initial resale restriction for private line service was established by Order No. 11206, issued September 29, 1982, which was a result of the Commission's proceeding on Resale of Wide Area Telephone Service and Message Toll Service, Docket No. 810239-TP. Resale of private line service was prohibited because the rates for private line service were thought to be below cost.

The restructure and repricing of dedicated services and the advent of AAVs supported the proposition that the resale prohibition should be revisited. Per Order No. PSC-94-1545-FOF-TP (the Order), issued December 13, 1994, in Docket No. 940754-TP, the Commission ordered that the prohibition on the resale of local exchange company (LEC)-provided special access service and the prohibition of resale of LEC-provided private line service should be eliminated. Further, the Commission ordered the LECs to file

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modified tariffs reflecting the decision within 90 days from the issuance of the Order.

II. GULF'S TARIFF

On April 21, 1995 Gulf Telephone Company (Gulf) filed revisions to the private line service section of its General Services Tariff in response to Order No. PSC-94-1545-FOF-TP. We have reviewed the tariff revisions and find that they are consistent with our requirements set forth in the Order. Gulf concurs in BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's (Southern Bell or the Company) access tariff. Since we have previously approved the requisite modifications of Southern Bell's special access tariff, Gulf need take no further action pursuant to Order No. PSC-94-1545-FOF-TP. Accordingly, we find it appropriate to approve Gulf's tariff revisions effective June 20, 1995.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Telephone Company's revisions to its General Services Tariff and its Special Access Tariff are approved effective June 20, 1995, as set forth in the body of this Order. It is further

ORDERED that if a protest is filed in accordance with 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. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 3rd day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 24, 1995.

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 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.