

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 951268-TL
tariff filing by BellSouth) ORDER NO. PSC-95-1566-FOF-TL
Telecommunications, Inc. d/b/a) ISSUED: December 15, 1995
Southern Bell Telephone and)
Telegraph Company to provide)
cross-boundary services to GTE)
Florida Incorporated customer,)
Mr. Ralph Eugene Roller)
(T-95-609 filed 9/22/95))
_____)

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

BY THE COMMISSION:

On September 22, 1995, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed a tariff to provide cross-boundary service to Mr. Ralph Roller, who is located in GTE Florida Incorporated (GTEFL) territory.

On December 15, 1994, Mr. Ralph Roller called the Commission requesting assistance in obtaining telephone service from Southern Bell. He stated that he had requested service from Southern Bell on October 25, 1994. Southern Bell informed him that he would have to pay construction costs ranging from \$5,000 to \$15,000 before the service could be provided. Mr. Roller asked the Commission to investigate the situation.

Mr. Roller is located in GTEFL 's territory. However, GTEFL requested, based on engineering and financial considerations, that Southern Bell provide service to Mr. Roller. According to GTEFL, Southern Bell has facilities closer to Mr. Roller. The company also states that it would cost an estimated \$75,000 to provide the service.

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Commission staff requested both companies to determine the least cost method of providing Mr. Roller service and to provide maps detailing the customer's location. On June 15, 1995, Commission staff, Southern Bell and GTEFL met to discuss the cost data and how to resolve Mr. Roller's problem. GTEFL's estimated cost remained at \$75,000. Southern Bell estimated it would cost \$12,667 to provide Mr. Roller service. Pursuant to Rule 25-4.067(2), Florida Administrative Code, Southern Bell decreased its cost estimate by five years' estimated revenue which resulted in a cost estimate of \$11,719. GTEFL agreed to pay half of this cost if Mr. Roller would agree to pay the other half.

Southern Bell met with Mr. Roller and explained the proposal. He agreed to the terms and Southern Bell began providing Mr. Roller service on August 17, 1995.

Upon consideration, we find that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's tariff to provide cross-boundary service to Mr. Ralph Roller, who is located in GTE Florida Incorporated territory is appropriate. We note, however, that Mr. Roller is located in GTEFL's Tampa North exchange, which is in the Tampa Market Area, and Southern Bell is providing service to Mr. Roller from the Brooksville exchange, which is located in the Gainesville Local Access and Transport Area (LATA). This creates an interLATA situation which requires that Southern Bell obtain a waiver of its Modified Final Judgment (MFJ) to provide interLATA service to Mr. Roller.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's tariff to provide cross-boundary service to Mr. Ralph Roller is hereby approved. It is further

ORDERED that Southern Bell request a waiver of its Modified Final Judgment to provide cross-boundary service to Mr. Roller. It is further

ORDERED that this tariff shall be effective November 21, 1995. 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

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ORDERED that if no protest is filed, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

(S E A L)

MMB

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 January 5, 1996.

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

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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.