

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 951325-TL
tariff filing to eliminate)
application of Carrier Common)
Line access rate element to Type)
I cellular interconnection)
arrangements by United Telephone)
Company of Florida. (T-95-702)
filed 10/31/95))
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In Re: Request for approval of) DOCKET NO. 951326-TL
tariff filing to eliminate) ORDER NO. PSC-96-0006-FOF-TL
application of Carrier Common) ISSUED: January 2, 1996
Line access rate element to Type)
I cellular interconnection)
arrangements by Central)
Telephone Company of Florida.)
(T-95-705 filed 10/31/95))
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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 TO ELIMINATE APPLICATION
OF CARRIER COMMON LINE ACCESS RATE ELEMENT TO
TYPE I CELLULAR INTERCONNECTION ARRANGEMENTS

BY THE COMMISSION:

On October 31, 1995, United Telephone Company of Florida (United) and Central Telephone Company of Florida (Centel) filed proposed tariffs to eliminate the Carrier Common Line (CCL) charge rate element for Type I cellular interconnection arrangements. The CCL, as defined by the Federal Communications Commission (FCC), is a charge assessed per access minute of use. This charge is assessed on interexchange carriers (IXCs) that use local exchange common line facilities for the provision of interstate or foreign telecommunications services. The charge is not to be assessed upon IXCs to the extent that they resell message toll services (MTS) or MTS-type services of other common carriers.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Type I cellular interconnection is a direct trunk connection with line side treatment between a mobile telephone switching office (MTSO) and a local exchange company's (LEC's) central office. The mobile carrier establishes connections to the LEC's other central offices and other carriers through the connecting central office. Both United and Centel assess the CCL for Type I interconnection. United and Centel contend that the CCL is currently assessed because this Commission has never issued an order regarding the correct application of access rate elements on Type I interconnection arrangements.

United and Centel are filing these tariffs in response to FCC Transmittal No. 418, released July 15, 1991, wherein the FCC concluded that:

[C]harging CCL to IXCs for RCC (Radio Common Carrier) connections is not consistent with the Commission's rules. In establishing the interstate access charge structure, the Commission designed CCL, along with subscriber line charges, to recover the LECs' costs of providing subscriber loops. Indeed, the access rules specifically state that CCL shall be assessed to IXCs that 'use local exchange common line facilities.' The facilities connecting an RCC's MTSO to the LEC's end office are not common line facilities, however.

The FCC further stated that:

RCCs are not end users for the application of access charges and thus should not be assessed the end user charges, including subscriber line charges. Consequently, LECs cannot assess subscriber line charges to RCCs for the connection between the MTSO and the LEC switch. Therefore, the facility is not a common line for purposes of the access charge rules and an exchange carrier cannot assess end user or carrier common line charges to anyone for the use of such a facility. The costs must be recovered outside of the access system. LECs have in fact recovered the costs of the connection between the RCC and the LEC switch through intercarrier agreements between the RCC and the LEC.

United and Centel do not incur any CCL costs when providing access for a cellular company. The connections between LECs' access tandems and the cellular companies' MTSOs are dedicated connections. There is a local channel rate element that recovers the costs associated with the dedicated path between the cellular companies' MTSOs and the LECs' serving wire centers.

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United estimates an annual revenue loss of \$81,000 due to the proposed tariff change. Centel estimates an annual revenue loss of \$48,000. Mobile service providers should see a decrease in their costs for interconnecting with United's and Centel's public switched network.

In consideration of the above, we find it appropriate to approve United's and Centel's requests to eliminate the application of the CCL access rate element to Type I cellular interconnection arrangements, effective December 30, 1995.

It is, therefore,

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida's and Central Telephone Company of Florida's proposed tariffs to eliminate the Carrier Common Line (CCL) charge rate element for Type I cellular interconnection arrangements are approved, effective December 30, 1995. It is further

ORDERED that if a protest is filed in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this tariff shall remain in effect pending resolution of the protest. If no timely protest is filed, these dockets shall be closed.

By ORDER of the Florida Public Service Commission, this 2nd day of January, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Jey
Chief, Bureau of Records

(S E A L)
RJP

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 23, 1996.

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.