

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to initiate rulemaking to amend Rules 25-24.630(1) and 25.24.516(1), F.A.C., by BellSouth Telecommunications, Inc. | DOCKET NO. 060476-TL
ORDER NO. PSC-06-0688-PCO-TL
ISSUED: August 9, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER GRANTING IN PART PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

Background

On June 26, 2006, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition to Initiate Rulemaking. BellSouth seeks to have us amend Rules 25-24.630 and 25-24.516, Florida Administrative Code.

Rule 25-24.630(1)(a)-(b) requires that services charged by an operator services provider for an intrastate 0+ or 0- call from a pay telephone or in a call aggregator context not exceed \$.30 per minute plus \$3.25 (person-to-person) or \$1.75 (non person-to-person).

Rule 25-24.516(1)(a)-(g), requires that charges for provision of operator service within pay telephone premises' equipment not exceed:

Local coin calls – posted rate

Extended area service (EAS) coin calls – local coin call rate

Extended calling scope (ECS) calls – local coin rate

0+ toll non person-to-person - \$.30 per minute + \$1.75

0+ toll person to person - \$.30 per minute + \$3.25

0+ non person-to-person local – local coin rate + \$1.75

0+ person-to-person local – local coin rate + \$3.25

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FPSC-COMMISSION CLERK

BellSouth notes that the foregoing allowable charges have been in place for over seven years and that the telecommunications industry, technology, and competition in Florida have changed since those charges were established. BellSouth believes that the charges should be amended to set allowable charges that either better reflect a competitive market or eliminate the limitations entirely.

Specifically, BellSouth believes that Rule 25-24.630 should not apply to services charged and billed to an end user by an operator services provider for an intrastate 0+ or 0- call made in a call aggregator context. BellSouth notes that end users who stay in hotels, resort condominiums, rooming houses, etc., have numerous available alternatives.

Discussion

We grant the Petition in part. A rule development workshop should be held before we decide whether to amend the rule in the form requested by the Petitioner. BellSouth has not proposed new allowable limitations on the rates charged for operator services in the specified circumstances addressed by Rules 25-24.630 and 25-24.516, only that the limitations reflect the current technological and competitive conditions of the telecommunications industry in Florida or be eliminated entirely. Therefore, a workshop will be held to collect information from BellSouth, other industry participants, and the public that is needed to evaluate the proposed changes.

In view of the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Initiate Rulemaking of BellSouth Telecommunications, Inc. is granted in part as set out above. It is further

ORDERED that this docket remain open.

By ORDER of the Florida Public Service Commission this 9th day of August, 2006.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

RCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.