

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to allow for)	DOCKET NO. 911191-TI
automatic cancellation of the Reach Out)	
Florida optional calling plan for)	ORDER NO. 25621
customers who change their preferred)	
interexchange carrier, by AT&T COMMUNI-)	ISSUED: 1/21/92
CATIONS OF THE SOUTHERN STATES, INC.)	
)	

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

On November 26, 1991, AT&T Communications of the Southern States, Inc. (ATT-C, or the Company) filed a tariff to provide for automatic cancellation of the Reach Out Florida Optional Calling Plan (the Plan) for customers who change their preferred interexchange carrier (PIC). This filing is similar to the Company's filing to the F.C.C. to provide for the automatic cancellation of the Reach Out America Optional Calling Plan.

The Company was motivated to submit the filing because of complaints by customers who believed that their participation in the Plan had been automatically cancelled at the time they changed their PIC. For such customers, automatic continuation of the Plan has meant continuation of the Plan's flat monthly charge, whether or not the Plan was utilized by the customer. The customers have continued to be assessed the Plan's flat monthly fee of \$7.00, \$7.25, or \$3.65.

Under the proposed tariff, when ATT-C is notified that a customer of the Plan has changed his or her PIC from ATT-C to another carrier, and the customer has not notified ATT-C that the Plan should be continued, ATT-C will discontinue the customer's Plan. Discontinuance will be effective as of the date the customer changes his PIC. In addition, any customer who changed his or her PIC from ATT-C to another carrier prior to November 25, 1991, will be notified in writing that AT&T plans to discontinue his or her Plan if the customer does not notify ATT-C that he or she wishes to continue the Plan.

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ATT-C states that customers of the Plan who changed their PIC prior to November 25, 1991, but who did not utilize the plan after making the PIC change, will be notified to contact ATT-C for a possible refund or credit of all flat rate charges paid for participation in the Plan after the PIC change.

Upon review, we find that the proposed change is in the public interest. Thus, we approve the tariff filing by AT&T Communications of the Southern States, Inc., effective January 7, 1992.

We considered whether the Company should be required to pay interest on the refund amounts. However, we note that ATT-C voluntarily committed to making the refunds in an effort to maintain goodwill with its customers and there is no indication that the Company violated its tariff or intentionally misled customers regarding the discontinuance policy established for the Plan. Thus, we find that it would be inappropriate to require the Company to pay interest on the refund amounts.

At this time we do not have enough information to determine whether ATT-C has properly refunded Plan customers who changed their preferred interexchange carrier without subsequently utilizing the Plan. Thus, the Company shall be required to demonstrate that appropriate refunds and credits have been given to Reach Out Florida Optional Calling Plan customers who unintentionally participated in the Plan after changing their preferred interexchange carrier. The Company shall provide the Commission with the total amount of flat rate monthly Plan charges refunded/credited, the total number of refunds/credits granted, a summary of the refund/credit program results, and a description of any ongoing refund/credit program. This information shall be submitted no later than 30 days after the effective date of this order.

Therefore it is,

ORDERED that the Florida Public Service Commission hereby approves the proposed tariff by AT&T Communications of the Southern States to allow for the automatic cancellation of the Reach Out Florida Optional Calling Plan for customers who change their preferred interexchange carrier, effective January 7, 1992. It is further

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ORDERED that ATT-C is hereby required to provide the Commission with information demonstrating that appropriate refunds and credits have been given to Reach Out Florida Optional Calling Plan customers who unintentionally participated in the Plan after changing their preferred interexchange carrier. To this end, the Company shall provide the Commission with the total amount of flat rate monthly Plan charges refunded/credited, the total number of refunds/credits granted, a summary of the refund/credit program results, and a description of any ongoing credit program no later than 30 days after the date which this order becomes final. It is further

ORDERED that this docket shall be closed 60 days from the date that this order becomes final in order to allow us time to investigate whether the Company has made appropriate refunds to certain Reach Out Florida Optional Calling Plan customers. If there is a timely protest to this order the tariff shall remain in effect pending resolution of the protest.

By ORDER of the Florida Public Service Commission, this 21st day of JANUARY, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 2/11/92

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 sewer 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.