

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Petition for review of rates |) | DOCKET NO. 860723-TP |
| and charges paid by PATS providers to |) | ORDER NO. 25628 |
| LECs |) | ISSUED: 1/22/92 |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

ORDER ACKNOWLEDGING WITHDRAWAL OF MOTION

BY THE COMMISSION:

On March 1, 1990, the Florida Pay Telephone Association, Inc. (FPTA) filed its Motion for An Order of Immediate Abatement of Certain Practices of Southern Bell Telephone and Telegraph Company (Southern Bell) (Motion). Prior to March 1, 1990, Southern Bell implemented two policy changes that FPTA contended directly and substantially impacted non-local exchange company pay telephone service (nonLEC PATS or NPATS) operations and LEC monopoly ratepayers. These policy changes were: (1) denial of LEC public telephone revenue and commission payment data to NPATS providers acting as legally authorized agents of location owners; and (2) removal of all inside station wiring, concrete slabs, and guard posts when disconnecting and removing Southern Bell-provided public telephones. In its Motion, FPTA contended that these policy changes could severely damage the ongoing business relationships between competitive pay telephone providers and location providers, as well as harm the public by increasing the cost of all telephone service, lengthening outage periods, and stymying competition.

Southern Bell's stated rationale for implementing the first policy change was a belief that public telephone revenue and traffic data had sometimes been misused in the past to interfere with existing business relationships between Southern Bell and its location providers. Southern Bell also claimed that such information was being used in lieu of independent market research by NPATS providers. Southern Bell had additional concerns that some agency letters supplied by NPATS providers might not have actually been authorized by the location provider of record.

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Subsequently, our staff, FPTA, all LECs, and other parties to this docket held a series of workshops in an effort to resolve a number of issues that were not scheduled for review as part of the hearing set for August, 1990. As a result of this workshop process, an agreement was reached among the parties concerning the acceptance of agency letters. In light of this agreement, this portion of FPTA's Motion now appears to be moot.

With respect to Southern Bell's second policy change, our staff has worked with Southern Bell in an attempt to resolve this issue. A major concern of FPTA was that the charges for equipment were excessive and that the equipment was offered for sale on a "bundled" basis. Southern Bell has now agreed to reduce the rates for these materials, as well as to offer them for sale on an unbundled basis.

FPTA agreed that Southern Bell's new rates are acceptable, but requested that Southern Bell refund the difference between the old rate and the new rate, from the date FPTA filed its Motion. FPTA also requested that any future rate changes for these items be approved by the Commission. Southern Bell, in turn, agreed to refund the difference back to the date that FPTA filed its Motion. Southern Bell did not, however, agree with FPTA's original proposal that future rate changes receive prior Commission approval. FPTA has now agreed with Southern Bell regarding rate changes and is satisfied with thirty day advance notification for any rate changes. On December 3, 1991, FPTA notified us of this settlement and requested that its Motion be withdrawn. In light of the agreement reached between the parties, we shall grant FPTA's request to voluntarily withdraw its Motion.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby acknowledge the voluntary withdrawal of the Florida Pay Telephone Association, Inc.'s Motion for An Order of Immediate Abatement of Certain Practices of Southern Bell Telephone and Telegraph Company filed, March 1, 1990. It is further

ORDERED that this docket shall remain open.

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By ORDER of the Florida Public Service Commission, this 22nd
day of JANUARY, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The

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notice of appeal must be in the form specified in Rule 9.900 (a),
Florida Rules of Appellate Procedure.