

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: TELECOMMUNICATION RESPONSE) DOCKET NO. 920868-TP
TO HURRICANE ANDREW.)
) ORDER NO. PSC-92-0910-FOF-TP
)
) ISSUED: 09/01/92

The following Commissioners participated in the disposition of this matter:

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

EMERGENCY TEMPORARY ORDER AUTHORIZING
CERTAIN TARIFF AND RULE WAIVERS

BY THE COMMISSION:

BACKGROUND

Hurricane Andrew has caused extensive damage in South Florida. Southern Bell and the other telecommunications companies are working to restore telecommunications service in the area. In order to accommodate emergency conditions and provide needed services expeditiously, there may be the need for telecommunications companies to provide service in a manner not consistent with the normal Commission filing and review process for tariffs and rules. Because of the tremendous need for getting services in place, only the most basic requirements should be placed on temporary services being made available in South Florida.

The tremendous needs of the citizens in the Hurricane Andrew impact area demand a relaxation of strict adherence to Commission-approved tariffs and rules for the duration of this emergency. On August 27, 1992, Southern Bell Telephone and Telegraph Company (Southern Bell) filed an Emergency Petition for Authority to Waive Regulated Charges. This petition sought authority to waive certain charges, which are further discussed below, as well as to allow Joseph P. Lacher, President, Southern Bell-Florida, to exercise his discretion to waive or reduce other charges for an interim period, on an ad hoc basis. Southern Bell's petition to grant Mr. Lacher authority to waive or reduce charges is denied. This Commission will not authorize Mr. Lacher to waive or reduce any charges. This authority must always rest with this Commission.

In addition to the requests noted above, GTE Florida Incorporated (GTE) and Transcall America, Inc. d/b/a ATC Long

DOCUMENT NUMBER-DATE

09968 SEP -1 1992

Distance, MCI, and AT&T Communications have requested hurricane-related waivers, which are also discussed below.

EMERGENCY WAIVER PROCESS

The Commission will utilize the following procedures for dealing with tariff and rule waivers:

- 1) The following people, in the order listed, would have authority to authorize any temporary waivers of rules, tariffs or orders until such waivers could be reviewed by the Commissioners: the Chairman, the most senior Commissioner available, the Executive Director, the Deputy Executive Director-Technical, and the Director of the Division of Communications.
- 2) Each agenda for the next several weeks will contain a standing item dealing with emergency hurricane related issues which may not be specifically announced until possibly as late as the morning of the agenda.
- 3) The persons listed in 1) above will have authority to set price caps on the provision of services.
- 4) The persons listed in 1) above will be limited to authorizing waivers for a maximum of thirty (30) days or the next meeting, whichever is sooner.
- 5) The waivers should be limited to Southern Bell territory in the hurricane impact area.

THE SPECIFIC WAIVERS

- a) Waive the secondary service order charge for call forwarding and to provide one month's free use of call forwarding features, including both variable call forwarding and "busy line/don't answer" call forwarding. When people's homes or businesses are no longer operational or even in existence in some cases, and they are staying in a temporary facility, call forwarding can

reroute calls intended for their permanent phone number to that temporary facility. Normally a secondary service order charge (\$9.00 residence, \$12.50 business) would apply, as well as the monthly fee of \$2.45 for variable call forwarding, \$3.00 for call forwarding don't answer, and \$1.00 for call forwarding busy line. This waiver is approved for customers ordering service over the next a period sixty (60) days.

- b) Waive all regulated charges associated with MemoryCallsm Service, including, but not limited to, the secondary service order charge and the first month's monthly charge for message waiting indicator. MemoryCallsm is an unregulated voice mail service which works similarly to an answering machine, except that the customer does not have equipment at his home or business. Since many homes do not have electricity, if they exist at all, MemoryCallsm will likely be a welcome alternative to an answering machine. Customers purchasing MemoryCallsm must also purchase some type of call forwarding service (discussed in a), above) and a service called message waiting indicator (\$.50 per line), which tells the customer he has a message when he picks up his receiver by a specialized dial tone. These services also have a secondary service order with them. We would note that these are end-user services, as opposed to the services purchased by MemoryCallsm or any other voice mail provider using this technology. Southern Bell has requested that the waiver for MemoryCallsm - related services not be limited to the above-listed services. We will authorize a waiver of the above-listed services for customers ordering service over the next sixty (60) days.
- c) Waive all service connection charges for an individual who moves his or her residential or business service on a temporary basis because of Hurricane Andrew, as well as the same charges when the subscriber returns service to its previous location. Many customers will be residing in temporary residences or business locations while their permanent structures are being rebuilt. Southern Bell proposes to waive the primary service order (\$25.00 residence and \$35.00 business) and service connection charges (central office line connect (\$19.50) and brand new service charge when no service has been to a location (\$31.50)) both when the temporary service is installed and when the customer moves back into their permanent

location. This waiver is granted for customers ordering service over the next sixty (60) days.

- d) Waive service reconnection charge for customers who suspend service as a result of Hurricane Andrew. Some customers whose homes and businesses are uninhabitable, but whose phone service is still operable, may elect to suspend their phone service while they are not in their primary locations. This permits them to keep their phone number. People who call it get a recording that the phone has been temporarily disconnected. This waiver is granted for customers who suspend their service over the sixty (60) days.
- e) Make certain pay telephones in the affected areas available to be used for local and toll calls by the public free of charge. The City of Miami is designating certain locations as emergency locations for the placement of payphones. Southern Bell is proposing that at those emergency locations its payphones offer free local calls and free five-minute intraLATA toll calls. Southern Bell's offer to provide free payphone service is appropriate for a period of sixty (60) days.
- f) Waive late payment charges for customers affected by the storm. The massive dislocation caused by the hurricane has disrupted the lives of most of the population of South Florida. In view of these dislocations, we believe it appropriate to waive the late payment charges in the affected 305 area code through the end of the September billing cycle.

In its petition, Southern Bell has committed to provide a report to the Commission by November 25, 1992, listing the services for which charges have been waived or reduced, as well as the number of customers who have taken advantage of the waivers. The Commission believes that such information is important in order to assess the impact of the hurricane and the Company's and the Commission's actions to respond to the emergency. We believe that more time for the report is warranted and will require it to be filed no later than January 1, 1993.

GTE Florida Incorporated has requested waiver of nonrecurring charges for establishment of temporary residential service for personnel coming to McDill Air Force Base from Homestead Air Force Base, which was destroyed by Hurricane Andrew. This waiver is granted for customers ordering service over the next sixty (60) days.

ORDER NO. PSC-92-0910-FOF-TP
DOCKET NO. 920868-TL
PAGE 5

ATC has requested authority to offer free five-minute phone calls for a period of thirty days. We will grant the request for a period of sixty (60) days.

MCI has requested authority to provide free phone service from its portable phone bank, which will be located at Red Cross sites in South Dade County.

AT&T Communications (AT&T) has requested to provide 2000 debit cards (teletickets) worth \$6.00 to the general public at Red Cross relief centers, food distribution centers, and emergency cellular phone sites. In addition, AT&T requested to provide free three to five minute long distance calls at temporary public telephone locations, contingent on the provision of free access service by Southern Bell. Finally, AT&T has requested to provide free long distance service to Cellular One phones which have been provided to government and private relief agencies, and to roaming vans equipped with cellular phones to provide communications services to hurricane victims.

THEREFORE, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's Petition to authorize Mr. Joseph Lacher to waive or reduce certain charges is hereby denied. It is further

ORDERED that the Emergency Waiver Process set forth above shall govern filing of waivers for the duration of the emergency. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized to waive the secondary service order charge for call forwarding and to provide one month's free use of call forwarding features, including both variable call forwarding and "busy line/don't answer" call forwarding for customers ordering service during the next sixty (60) days. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized to waive all regulated charges associated with MemoryCallSM Service, including the secondary service order charge and the first month's monthly charge for message waiting indicator for customers ordering service during the next sixty (60) days. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized waive all service connection charges for an individual who moves his or her residential or business service on a temporary

ORDER NO. PSC-92-0910-FOF-TP
DOCKET NO. 920868-TL
PAGE 6

basis because of Hurricane Andrew, as well as the same charges when the subscriber returns service to its previous location for customers suspending service over the next sixty (60) days. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized to waive service reconnection charge for customers who suspend service as a result of Hurricane Andrew for a period of sixty (60) days. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized to make certain pay telephones in the affected areas available to be used for local and toll calls by the public free of charge for a period of sixty (60) days. It is further

ORDERED that Southern Bell Telephone and Telegraph Company is authorized to waive late payment charges for customers in the 305 area code through the end of the September billing cycle. It is further

ORDERED that Southern Bell Telephone and Telegraph Company file a report with the Commission no later than January 1, 1993, listing the services for which charges have been waived or reduced, as well as the number of customers who have taken advantage of the waivers. It is further

ORDERED that GTE Florida Incorporated is authorized to waive nonrecurring charges for establishment of temporary residential service for personnel coming to McDill Air Force Base from Homestead Air Force Base for a period of sixty (60) days. It is further

ORDERED that MCI is authorized to provide free phone service from its portable phone bank for a period of sixty (60) days. It is further

ORDERED that AT&T Communications is authorized to provide 2000 teletickets worth \$6.00, to provide free three to five minute long distance calls at temporary public telephone locations (pending Southern Bell's provision of free access service), and to provide free long distance service to certain Cellular One phones. It is further

ORDERED that Transcall America, Inc. d/b/a ATC Long Distance is authorized to offer free five-minute phone calls for a period of sixty (60) days. It is further

ORDERED that Docket No. 920868-TP shall remain open.

ORDER NO. PSC-92-0910-FOF-TP
DOCKET NO. 920868-TL
PAGE 7

By ORDER of the Florida Public Service Commission, this 1st
day of September, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Jeyon
Chief, Bureau of Records

(S E A L)

RDV

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