

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of ) DOCKET NO. 920866-TL  
tariff filing to implement the ) ORDER NO. PSC-92-1072-FOF-TL  
\$.25 plan between Mt. Dora and ) ISSUED: 09/28/92  
Apopka, Mt. Dora and Winter )  
Park, and one way between )  
Mt. Dora and Orlando by UNITED )  
TELEPHONE COMPANY OF FLORIDA. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING TARIFF AND DIRECTING  
COMPANY TO REFILE TARIFF TO BE  
APPROVED ADMINISTRATIVELY

BY THE COMMISSION:

By Order No. 24992, issued August 29, 1991, in Docket No. 900039-TL, we proposed requiring BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) and United Telephone Company of Florida (United) to implement the alternative toll relief plan known as the \$.25 plan on certain routes, under terms and conditions specified in the Order. No protest was filed to our proposal, so Order No. 24992 became final on September 20, 1991.

On July 16, 1992, United filed a tariff proposal to implement the \$.25 plan between Mt. Dora and Apopka, Mt. Dora and Winter Park, and Mt. Dora and Orlando. The Mt. Dora, Apopka, and Winter Park exchanges are served by United, while the Orlando exchange is served by Southern Bell. All three of these routes are interLATA (local access transport area) routes, but only one of the routes (Mt. Dora to Orlando) involves Southern Bell. Southern Bell must obtain a waiver of the Modified Final Judgment (MFJ) before it can carry traffic on an interLATA route. The Mt. Dora/Apopka and Mt. Dora/Winter Park routes involve only United exchanges and, therefore, do not implicate the MFJ. United has stated that should we prefer that the Mt. Dora to Orlando route not be implemented on a one-way basis, it would refile its tariff excluding that route.

Initially we note that there are a number of routes around the state where we have ordered the \$.25 plan to be implemented, but it has not been, pending the outcome of MFJ waiver requests by Southern Bell. In the meantime, we constantly receive letters and calls from citizens in areas where routes have not been

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implemented. Subscribers do not understand why some routes in a specific docket have been implemented and others have not. They are confused when we say we have no control over the situation, and upset that promised toll relief has not been delivered on routes indicating a sufficient community of interest and a need for toll relief. Because of MFJ requirements, these customers are still paying toll rates.

Upon consideration, we find it appropriate to deny United's tariff proposal as filed. The intent of the \$.25 plan is to allow two-way, seven-digit local calling. We have not ordered routes to be implemented on a one-way basis in other dockets and do not intend to do so here. Accordingly, United shall be required to refile its tariff to implement only the Mt. Dora/Apopka and the Mt. Dora/Winter Park routes. For the Mt. Dora/Orlando route, we shall waive the implementation date established in Order No. 24992 until such time as Southern Bell can carry the traffic on its portion of the route. The tariff to be refiled by United shall be approved administratively, with an effective date of September 19, 1992.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff proposal filed on July 16, 1992, by United Telephone Company of Florida to implement the \$.25 plan on certain routes (T-92-435) is hereby denied as filed for the reasons set forth herein. It is further

ORDERED that United Telephone Company of Florida shall refile its tariff in accordance with the directives contained herein, after which the tariff shall be approved administratively with an effective date of September 19, 1992. It is further

ORDERED that if a timely protest is filed, this tariff shall remain in effect, with any increase in revenues held subject to refund pending resolution of the protest. If no timely protest is filed, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 28th day of September, 1992.

( S E A L )

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STEVE TRIBBLE, Director  
Division of Records and Reporting

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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 19, 1992.

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.