

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency petitions for authority to waive certain regulated interexchange and local exchange charges in the Hurricane Andrew and Pinellas County tornado impact areas.

) DOCKET NO. 920868-TL
) ORDER NO. PSC-92-1351-FOF-TL
) ISSUED: 11/23/92
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)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING TEMPORARY EMERGENCY WAIVERS

BY THE COMMISSION:

I. BACKGROUND

By Order No. PSC-92-0910-FOF-TP, this Commission authorized certain emergency procedures to facilitate the offering of needed services in response to the conditions resulting from Hurricane Andrew. In order to expedite the availability of needed services, we delegated the authority to specified members of the Commission and the Commission staff to approve certain waivers for services on an interim emergency basis.

II. WAIVER REQUESTS

On October 15, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed an Emergency Motion for Waiver to make MegaLink Channel Service (MLCS) temporarily available to customers who have been displaced from their business locations or otherwise affected by Hurricane Andrew. On October 7, 1992, GTE Florida Incorporated (GTEFL) requested a waiver to provide free local calls from eight coin lines located in a trailer at the Autumn Run Subdivision in Largo, Florida, for a period of 30 days from October 8, 1992. Each request is addressed below.

A. MegaLink Channel Service - Southern Bell

MLCS is an intraLATA digital service that provides local interoffice channels to businesses. MLCS is usually available only for a minimum contract period of 24 months. Upon expiration of the 24 month period, MCLS is then offered as a month-to-month service. Southern Bell has requested that the 24 month requirement be waived until April 30, 1993, to make MLCS temporarily available on a

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month-to-month basis to customers who have been displaced from their business locations or otherwise affected by Hurricane Andrew. Upon consideration, we grant the request to waive the 24 month requirement to allow Southern Bell to provide MLCS to customers affected by Hurricane Andrew. Granting the waiver would be of value to customers in two different aspects. First, MLCS would be provided at a temporary location while a customer's primary location is being repaired. Second, it would provide MLCS to customers who are still at their primary location, but where Southern Bell's network facilities have not been fully repaired from the hurricane damage.

Southern Bell shall continue to keep track of the revenues and rate elements waived. This information shall be included in the report on other waivers granted by the Commission, which is due January 1, 1993. See Order No. PSC-92-0910-FOF-TP.

B. Free Service - GTEFL

At the October 6, Agenda Conference, we approved GTEFL orally requested a waiver of nonrecurring charges relating to persons displaced by the Pinellas and Pasco County tornados of October 3, 1992. At that time, it was unknown to GTEFL regulatory personnel that GTEFL was providing free local calls from payphones at a trailer in the Autumn Run Subdivision in Largo, Florida, which was affected by the tornado. GTEFL has requested permission to continue to provide free local service for a period of 30 days from October 8, 1992. Upon consideration, we approve the requested waivers for a period of 30 days from October 8, 1992.

GTEFL shall keep records on the service elements and dollar amounts waived. GTEFL shall provide this information to the Commission staff 30 days after the end of the waiver period.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request in BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's Emergency Motion for Waiver to make MegaLink Channel Service temporarily available on a month-to-month basis to customers who have been displaced from their business locations or otherwise affected by Hurricane Andrew and to waive the 24 month requirement is approved as set forth in the body of this Order. It is further

ORDERED that GTE Florida Incorporated's request to provide free local calls from eight coin lines located in a trailer in the Autumn Run Subdivision in Largo, Florida, for a period of 30 days

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from October 8, 1992, is approved as set forth in the body of this Order. It is further

ORDERED that GTE Florida Incorporated's request to waive nonrecurring charges for persons displaced by tornadoes is approved as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission, this 23rd day of November, 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 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

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