

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Alexander ) DOCKET NO. 950235-TL  
Tomas against BellSouth ) ORDER NO. PSC-95-0515-FOF-TL  
Telecommunications, Inc. d/b/a ) ISSUED: April 26, 1995  
Southern Bell Telephone and )  
Telegraph Company regarding )  
charges for rotary service. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DISMISSING COMPLAINT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On October 25, 1994, our Division of Consumer Affairs received a letter from Alexander Tomas, President of Alexander Tomas & Associates, requesting a refund of \$1,733,728 in rotary service charges which had been billed to his clients, Pizza Hut of America and Walgreens, by BellSouth Communications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). On November 8, 1994, our staff informed Mr. Tomas that Southern Bell was billing his clients correctly according to its tariff. Mr. Tomas disputed the findings, and requested an informal conference on his complaint. The informal conference was held February 20, 1995 in Tallahassee with staff, representatives of Southern Bell and Mr. Tomas. No settlement was reached at the conference. Mr. Tomas made a post-conference filing on February 21, 1995, to reiterate his position. Mr. Tomas revised his refund request to \$1,863,728 by adding Caldwell Banker and "miscellaneous accounts" to his client list.

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FPSC-RECORDS/REPORTING

Rotary service is where a group of telephone numbers are assigned and calls are transferred from one line to the next if the first line is busy. Generally, businesses use rotary service and list only the first number of the group on letterheads, business cards, advertising, etc. For example, in a business with ten access lines, anyone calling the business would dial the first number and the system would search each of the next nine lines for an available line if the first line is busy. The system searches forward through each number in a group, looking for the first available open line.

Mr. Tomas contends that charges for rotary service should not apply to the last line in a rotary group. Mr. Tomas bases his argument on Southern Bell's tariff A3.6.1, Rotary Service, which reads in part, "Rotary or hunting service is an arrangement via central office equipment which allows completion of an incoming call to any of the lines (i.e. individual lines, PBX Trunks or NARS) in a group from a line (in the group) that is called but is in use. A rotary charge as specified below applies to each of the lines in the group that are equipped for rotary service." Mr. Tomas argues that since the last line in a rotary group does not forward a call back to the first line that "hunting rotary does not function as described in the Southern Bell tariffs" because "there is no service provided on the last line in a hunting rotary group."

We find that Southern Bell is properly applying its tariff and no refund is appropriate. Southern Bell's tariff provides for a rotary charge for each access line in a rotary group. Mr. Tomas contends that Southern Bell is improperly applying its tariff for rotary service because a rotary charge is assessed for the last line in a rotary group, which does not search back to the first number in the group. We do not agree. We find that Southern Bell is applying its tariff correctly as set forth in its tariff.

Southern Bell's General Subscriber Service Tariff, Section A3.6.1 A. provides, in part:

Rotary or hunting service is an arrangement via central office equipment which allows completion of an incoming call to any of the lines (i.e., individual lines, PBX Trunks or NARS) in a group... A rotary charge as specified below applies to each of the lines in the group that are equipped for rotary service.

The rotary charge is properly applied to the last number in the rotary group because the call to the first line in a rotary group will rotary to all telephone numbers in the group, including the last number in the group, if all the numbers before it are in use. Since the last number in the group can receive calls transferred from other lines in the group, it is appropriate to apply the charge to the last line.

Mr. Tomas also believes Southern Bell should be required to advise its business customers about the availability of circular/hunt rotary, which is available at the same charges. Circular rotary is an arrangement that permits a sequential search of all the lines in a rotary group. The local exchange company's (LEC) switch goes through the process several times searching for a vacant line. However, the search is done so quickly that it would not be effective with a small number of lines. We require a LEC to advise potential residence and single-line business subscribers of the lowest basic local exchange rates at the time of first contact. However, because of the many different business offerings and combination of offerings available, and because of the relative knowledge of multi-line business customers, we have left the selection of multi-line telephone services to the individual business' needs.

Mr. Tomas' complaint states no grounds upon which relief should be granted. Southern Bell is properly charging for rotary service under its tariff. Therefore, customers have not been overcharged.

It is, therefore

ORDERED by the Florida Public Service Commission that the complaint by Alexander Tomas against BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company states no grounds upon which relief can be granted. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th  
day of April, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

LMB

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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 17, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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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 and effective on the date described above, any party substantially 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 effective date 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.