

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the Requirements)	DOCKET NO. 871394-TP
Appropriate for Alternative Operator)	ORDER NO. 22757
Services and Public Telephones)	ISSUED: 3-30-90
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING MOTIONS FOR EXTENSION OF TIME
TO COMPLY WITH PORTIONS OF ORDER NO. 20489

BY THE COMMISSION:

Billing Validation Service (BVS) is an offering that allows interexchange carriers (IXCs) and nonLEC (nonlocal exchange company) pay telephone (PATS) providers to verify that a calling card number or an access line can be used for billing purposes. Conceptually, the service is similar to the one used by store merchants to clear credit card numbers prior to allowing a store purchase. Billing Validation Data License Service (BVDLS) is the direct provisioning of the raw data used to validate calls, including such information as whether a credit card number or telephone number is valid for billing purposes.

These issues have been addressed in two dockets: Docket No. 871394-TP, which dealt with the requirements appropriate for alternative operator services (AOS) providers and nonLEC PATS providers; and Docket No. 880649-TL, which was opened when Southern Bell Telephone and Telegraph Company (Southern Bell) filed its tariff proposal to implement BVS. By Order No. 20489, issued December 21, 1988, we directed all LECs, except Southern Bell, which was given a shorter time frame, to implement BVS and BVDLS by January 1, 1990, unless an appropriate showing of undue burden was made by June 1, 1989. Requests for reconsideration of Order No. 20489, relative to the BVS and BVDLS issues, were disposed of in Order No. 20150, issued April 14, 1989. In Order No. 21052, also issued April 14, 1989, we approved Southern Bell's tariff filing to implement BVS. Since that time, Southern Bell also made its

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tariff filing to implement BVDLS effective January 1, 1990. That tariff filing was approved, with certain provisions deleted, by Order No. 22394, issued January 10, 1990. Additionally, United Telephone Company of Florida (United) made its tariff filing to implement BVS and BVDLS, as reflected in Order No. 22410, issued January 11, 1990.

By Order No. 20489, we directed all LECs to offer billing validation service to AOS companies, subject to terms and conditions further specified in that Order. Southern Bell was ordered to comply with our billing validation service requirements shortly after the issuance of Order No. 20489. All other LECs were given the following directive:

All other local exchange companies shall comply with our policy to provide billing validation service and data. The LECs may provide their own data base, make arrangements with another LEC, or with a third party vendor. This shall be completed by January 1, 1990, unless a company makes an appropriate showing to the Commission no later than June 1, 1989, that this requirement is overly burdensome.

On May 12, 1989, our staff sent a reminder notice to all LECs, other than Southern Bell, advising them that any showing of undue burden in implementation was to be filed no later than June 1, 1989. Shortly thereafter, on May 17, 1989, Indiantown Telephone System, Inc. filed a Motion for Extension of Time to the June 1st deadline for making this showing. Substantially similar Motions were filed on May 22, 1989, by the Florida Telephone Company and Gulf Telephone Company; on May 23, 1989, by ALLTEL Florida, Inc. (ALLTEL), Quincy Telephone Company (Quincy) and St. Joseph Telephone and Telegraph Company; and on May 25, 1989, by Northeast Florida Telephone Company and Vista-United Telecommunications (Vista-United).

Each Motion requested that the deadline for making a showing of undue burden be extended through July 14, 1989. Each company asserted that such additional time was needed to allow the company to determine if the billing validation requirements could be met and, if so, how to best do this. Each company further explained that whether our billing validation service requirement was to be met by the LEC itself or through arrangements with another LEC or a third party

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vendor, additional time was needed for adequate scheduling and planning. Finally, each company argued that granting such an extension would not adversely affect any party. By Order No. 21511, issued July 5, 1989, we granted these Motions and extended the deadline for making a showing of undue burden through July 14, 1989.

On July 14, 1989, each of the eight LECs listed above filed a Motion for Additional Extension of Time and requested a sixty (60) day extension to the July 14, 1989, deadline. Additionally, on July 14, 1989, Southland Telephone Company (Southland) filed a Motion for Extension of Time and also requested that the July 14, 1989, deadline be extended by sixty (60) days. All nine Motions were substantially similar to, though somewhat more detailed than, the Motions we considered when we granted the extension through July 14, 1989. By Order No. 21687, issued August 4, 1989, we granted these Motions and extended the deadline for making a showing of undue burden through September 12, 1989, for the nine above-named LECs that specifically requested such an extension.

Subsequently, on September 12, 1989, Southland filed a Response to Order No. 20489 in which it asserted undue burden in meeting our billing validation requirements by the January 1, 1990, deadline. By Order No. 22269, issued December 5, 1989, we granted Southland an extension of time until May 1, 1990, in which to comply with the billing validation requirements of Order No. 20489.

On December 20, 1989, ALLTEL filed a Motion for Extension of Time, requesting a sixty (60) day extension of time to comply with Order No. 20489. As grounds for its request, ALLTEL cited unforeseeable delays relative to the step by step testing of its new billing system. In reviewing the action taken by ALLTEL to comply with this portion of Order No. 20489, we find that the Company has expended considerable effort to comply and that the delay is not without reason. Additionally, the delay will be short, with no identifiable harm, since ALLTEL has reported no requests for this service at this point in time. Therefore, we shall grant ALLTEL's motion, thereby changing the acceptable compliance date from January 1, 1990, to March 2, 1990, for ALLTEL.

On December 22, 1989, Quincy filed a Motion for Extension of Time, requesting a ninety (90) day extension of time to

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comply with Order No. 20489. As grounds for its request, Quincy cited extensive complications relative to updating the BVS records in the service order center. These complications were of such magnitude that Quincy immediately began searching for a different vendor to provide BVS. In reviewing the action taken by Quincy to comply with this portion of Order No. 20489, we find that the Company has acted reasonably under the circumstances. Additionally, the delay will be relatively short, with no identifiable harm, since Quincy has reported no requests for this service at this point in time. Therefore, we shall grant Quincy's motion, thereby changing the acceptable compliance date from January 1, 1990, to April 1, 1990, for Quincy.

Vista-United also filed a Motion for Extension of Time; however, this motion was not filed until February 15, 1990, well after the January 1, 1990, compliance date had passed. The Company has indicated that the primary difficulty it faces is provisioning the initial load of data, which must be properly formatted by an outside vendor. Vista-United states that the delays have been caused by this outside vendor, which did not honor the Company's request to complete the necessary work as soon as possible. As a result, Vista-United will not be ready to offer BVS until April 15, 1990. Since the Company has reported no requests for this service yet, we do not believe the delay has resulted in harm, and we find it appropriate to grant Vista-United's motion, thereby changing the acceptable compliance date from January 1, 1990, to April 15, 1990, for Vista-United. However, we do believe it is appropriate to remind Vista-United of its continuing responsibility to comply with this Commission's orders in all respects. Any time a company believes it will not be able to achieve compliance, for whatever reason, it is that company's obligation to file an appropriate motion or waiver request, prior to the date by which compliance is due. In that respect, Vista-United has been remiss in this proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion for Extension of Time filed on December 20, 1989, by ALLTEL Florida, Inc. is hereby granted to the extent outlined herein, thereby changing the Company's acceptable compliance date to March 2, 1990. It is further

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ORDERED that the Motion for Extension of Time filed on December 22, 1989, by Quincy Telephone Company is hereby granted to the extent outlined herein, thereby changing the Company's acceptable compliance date to April 1, 1990. It is further

ORDERED that the Motion for Extension of Time filed on February 15, 1990, by Vista-United Telecommunications is hereby granted to the extent outlined herein, thereby changing the Company's acceptable compliance date to April 15, 1990. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission,
this 30th day of MARCH, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

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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

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