

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing by )	DOCKET NO. 891387-TL
SOUTHERN BELL to allow mixed use )	
special access pursuant to FCC order, )	ORDER NO. 23512
and to add language to allow bijuris- )	
dictional WATS access lines (T-89-601 )	ISSUED: 9-18-90
filed 12-1-89). )	
_____ )	

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

FINAL ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

On December 1, 1989, Southern Bell Telephone and Telegraph Company, Inc., (Southern Bell) filed tariff revisions to add language to its Access Services Tariff to allow the implementation of the mixed use of Special Access under the "de minimis" rule, pursuant to the Federal Communications Commission's (FCC's) decision in CC Dockets Nos. 78-72 and 80-286 (FCC 89-224). The filing also proposes to remove restrictive language in the Company's Special Access Tariff and to add language to its Access Tariff to allow intrastate bijurisdictional WATS access lines. When Southern Bell originally filed this tariff, it contained language that would have required end users to maintain extensive usage records and make the records available for audits. This language has since been removed from the filing.

Bijurisdictional WATS refers to one way, inward or outward "1+" and "0" intraLATA WATS access lines that have both intrastate and interstate capability. The tariff language added by Southern Bell indicates that these services will be completed over local exchange company (LEC) facilities at LEC intraLATA WATS/800 service rates and are subject to rules and regulations applicable to LEC intraLATA WATS and 800 service. The "1+" and "0" intraLATA WATS usage will be billed to the customer, the end user or the IXC, where the closed end of the bijurisdictional WATS access line is terminated. We find this tariff language to be appropriate to outline how these services will be provided and how billing is handled.

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According to the FCC's "de minimis" rule, when mixed interstate and intrastate special access service is provided, the jurisdiction will be determined by the IXC's or end user's estimate of the percentage of interstate traffic on the service involved. If the IXC's or the end user's estimate of the interstate traffic on the service involved is ten percent or less, the applicable rules and regulations of Southern Bell's intrastate Access Tariff will apply. If the IXC or the end user estimates more than ten percent interstate traffic on the service in question, the service will be provided from Southern Bell's interstate access tariff.

The Company indicates there should be minimal revenue or customer impact resulting from this filing. We agree that this filing should have minimal impact on revenues or customers and simply implements existing policy. Therefore, we find it appropriate to approve this tariff proposal by Southern Bell to add the "de minimis" rule and bijurisdictional WATS Access Lines to its Access Services Tariff.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company, Inc.'s tariff filing to add language to its Access Services Tariff to allow the implementation of the use of mixed use of Special Access, to remove restrictive language in the Special Access Tariff, and to add language to its Access Tariff to allow intrastate bijurisdictional WATS access lines is hereby approved as set forth in the body of this Order. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,  
this 18th day of SEPTEMBER, 1990.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

by: Kay Elger  
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 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.