

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Determination of appropriate LEC) | DOCKET NO. 900748-TL |
| charges to PATS (pay telephone) providers) | |
| on local calls between Gadsden County and) | ORDER NO. 23583 |
| Tallahassee) | |
| _____) | ISSUED: 10-04-90 |

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION
ORDER ESTABLISHING APPROPRIATE CHARGES
BY LECS TO PATS PROVIDERS ON CALLS BETWEEN
GADSDEN COUNTY EXCHANGES AND THE TALLAHASSEE EXCHANGE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By Orders Nos. 22367, 22477, and 22810 issued January 3, 1990, January 29, 1990, and April 12, 1990, respectively, we approved an extended area service (EAS) plan between exchanges in Gadsden County and between Gadsden County exchanges and the Tallahassee exchange. Under this plan, subscribers in the Chattahoochee, Greensboro, Gretna, Havana, and Quincy exchanges have toll free calling between all Gadsden County exchanges. Additionally, we approved a plan between Gadsden County exchanges (except Havana, which already had EAS) and the Tallahassee exchange whereby the subscriber has an allowance of five (5) free calls in the aggregate per month, after which a flat rate of twenty-five cents (\$.25) per call is charged for additional calls each month. When we approved this plan, our focus was on charges to the end user. We did not address what the local exchange companies (LECs) would charge nonLEC pay telephone service (PATS) providers in areas where this calling plan was in effect. The LECs serving the affected exchanges are Central Telephone Company of Florida (Centel), Quincy Telephone Company (Quincy), Southern Bell Telephone and Telegraph Company (Southern Bell), and St. Joseph Telephone and Telegraph Company (St. Joe).

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Subsequent to our orders, the LECs began filing monthly progress reports regarding implementation schedules. One such report contained a memorandum of understanding wherein the LEC stated it would be allowing PATS providers five (5) free calls each month between its Gadsden County exchanges and the Tallahassee exchange, after which the LEC would assess the PATS provider \$.25 per call for all additional calls between these exchanges.

Upon consideration, we find it appropriate to require the LECs to charge PATS providers the same rates to access the network on calls between the Gadsden County exchanges of Greensboro, Gretna, and Quincy and the Tallahassee exchange that they charge PATS providers for local calls. This requirement shall also apply between the Chattahoochee exchange and the Tallahassee exchange when that portion of the calling plan becomes effective on October 1, 1990. We believe the LEC is being compensated by the access line rate, currently either 80% of the B1 rate, plus usage, or the flat rate of \$65 per month, for local calls. Additionally, we find it appropriate to require Centel and Quincy to refund to the PATS providers the difference between the five free calls plus \$.25 for additional calls and the charges approved above, collected for local calls between the Gadsden County exchanges and the Tallahassee exchange since August 1, 1990. Each LEC shall file a report with our Communications Division detailing the refunds made pursuant to this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Central Telephone Company of Florida, Quincy Telephone Company, Southern Bell Telephone and Telegraph Company, and St. Joseph Telephone and Telegraph Company shall assess certain charges to nonLEC pay telephone service providers for certain calls as set forth in the body of this Order. It is further

ORDERED that Central Telephone Company of Florida and Quincy Telephone Company shall make certain refunds as described herein, including the filing of followup reports as set forth herein. It is further

ORDERED that the effective date of our action described herein is the first working day following the date specified below, if no proper protest to this proposed agency action is filed within the time frame set forth below. It is further

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ORDERED that this docket shall be closed by the consummating order to be issued in this docket, if no proper protest to our proposed agency action is received within the time frame specified below.

By ORDER of the Florida Public Service Commission, this 4th day of OCTOBER, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Flynn
Chief, Bureau of Records

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

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Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 25, 1990.

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, and as reflected in a subsequent order.

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 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 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 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.