

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing to waive) DOCKET NO. 900833-TI
 non-recurring charges for Accunet Spectrum)
 of Digital Services, by AT&T COMMUNICATIONS) ORDER NO. 23780
 OF THE SOUTHERN STATES, INC.)
) ISSUED: 11-19-90

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

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

On October 9, 1990, AT&T Communications of the Southern States, Inc. (ATT-C or the Company) filed revisions to its channel Services tariff in which it proposes to waive certain non-recurring charges associated with Accunet Spectrum of Digital Services (ASDS). In addition to waiving its charges for Central Office Connection and Access Coordination Function, the Company seeks to provide one time credits to reimburse customers for local exchange company installation charges for local access loops. The Company proposes that this promotional offering be limited to a 120 day period, from November 9, 1990 through March 8, 1991. ATT-C contends that its proposal is warranted given competitive conditions in Florida. The Company estimates that approximately 40 customers will participate in this promotion, and that these new customers will generate additional revenues of \$586,000. First year credits and waivers are expected to be around \$372,000. We find that the competitive market for these services supports the Company's request.

Rule 25-24.485 (1) (i), Florida Administrative Code, allows a company to file a single tariff which temporarily decreases rates for a period of time not to exceed 90 days. The Company contends that the complicated nature of these offerings requires additional time for processing the network service orders and that the terms of the offering are analogous to an interstate promotion conducted by the Company. At our Agenda conference, the Company asserted that additional time is necessary due to the larger customer base associated with this offering. We find these reasons sufficient to warrant a waiver of the Rule's 90 day limitation and to allow ATT-C to offer its promotion for 120 days.

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Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission, that AT&T Communications of the Southern States, Inc.'s tariff filing proposing a promotional plan to waive non-recurring charges for Accunet Spectrum of Digital Services is approved. It is further

ORDERED that AT&T Communications of the Southern States, Inc.'s request for a waiver of Rule 25-24.485 (1) (i), Florida Administrative Code is granted as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this ~~19th~~ day of NOVEMBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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

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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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 12, 1990.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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 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 date this order becomes final, 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.