

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing to change)	DOCKET NO. 900183-TL
the method by which information providers)	
of 976 service are charged by UNITED)	ORDER NO. 23945
TELEPHONE COMPANY OF FLORIDA)	
_____)	ISSUED: 12-31-90

The following Commissioner participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 FRANK S. MESSERSMITH

ORDER APPROVING MODIFICATIONS TO UNITED'S 976 SERVICE

BY THE COMMISSION:

On March 1, 1990 United Telephone Company of Florida (United) filed proposed numerous revisions to its 976 Service tariff. This filing proposes the following changes: Increases the allowed maximum length of any 976 message from 180 to 420 seconds; Reduces the nonrecurring 976 service establishment charge; Provides a special report containing a summary of call activity by originating NXX for calls within United's service area in the Orlando LATA; Clarifies the tariff standards for refusal or discontinuance of billing and collection services for any 976 message providers; Changes the name from "Dial-It Service" to "976 Service"; and Prohibits the use of a Personal Identification Number (PIN) in association with 976 Service.

976 Service consists of a special arrangement to provide recorded message programming. In those areas where the service is available, end-users can dial a 976-XXXX number and receive a recorded message on subjects ranging from astrology to surfing. The recorded messages are marketed to the public by information providers (IPs). Information providers subscribe to the service from the serving local exchange company (LEC), in this case United. The service is offered on both a local and an intraLATA toll basis. As part of the service, United bills and collects the charge imposed by the message provider as well as any charges applicable to the call itself. 976 programs can be either passive or interactive. Passive programs are prerecorded messages and announcements only. Interactive programs require that the caller respond to the 976 program instructions either by voice or a touch tone key pad. The company bills the charges for calls that originate and terminate from within the company's service area. Billing of charges for calls originating outside the company's

DOCUMENT NUMBER-DATE

11416 DEC 31 1990

PSC-RECORDS/REPORTING

ORDER NO. 23945
DOCKET NO. 900183-TL
PAGE 2

service area is performed by the serving LEC where the call originated.

This filing proposes to allow interactive service by the information provider and increase the allowed length of the message from 180 to 420 seconds. The Company has also inserted an additional clause in its tariff to reserve the right to refuse and/or discontinue billing and collection services for any 976 provider whose advertising or programming is harmful to United's reputation. In addition, the company states that it is the responsibility of the subscriber to ensure that charges are advertised clearly. Although it has previously been the Company's policy to screen prospective client's programs for content, the company has now decided to formally add a statement to its tariff.

United also proposes to reduce the nonrecurring 976 service establishment charge from \$3,000 to \$1,000. United anticipates that by reducing the nonrecurring charge, stimulation of IP entry into the 976 Service market will occur. According to the Company, this should increase the number of programs available to the public as well as increase the contribution from this service to joint and common costs.

United also proposes to provide a special report to requesting IPs which will contain a summary of call activity by originating NXX for calls within United's service area in the Orlando LATA. Available by IP request, the special report will indicate the volume of calls to specific 976 programs from calling NXXs. The proposed rate for the Special Report Request is \$150.00 per request, per 976 number. The information is designed to provide marketing information to 976 IPs who wish to target their advertising to certain markets. We note that end user line numbers will not be provided in this report.

Finally, United proposes to prohibit the use of Personal Identification Numbers (PINs) in conjunction with 976 Service. Using a 976 Service recording to distribute a PIN number to a 976 customer enable the caller to dial a new number to access a live conversations or other services. The LEC cannot monitor these other calls. The use of a PIN arrangement restricts United's ability to enforce its 976 tariff regulations regarding certain types of messages such as dial-a-porn or gab lines.

ORDER NO. 23945
DOCKET NO. 900183-TL
PAGE 3

United presently has two information providers who are providing three programs using a PIN arrangement. Based upon the approval of this filing, these IPs will be notified and their programs will be grandfathered until they discontinue or change the existing message content of the programs and then they will be discontinued. No new PIN arrangements will be accepted.

Upon consideration, we find that United's proposed modifications to its 976 Service should be approved. The rate and structural changes should make the service more attractive to message providers. The restriction on the use of PIN arrangements will also allow the company to better monitor and enforce the regulations governing the service.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida's proposed modifications to its 976 Service tariff are approved as set forth in the body of this Order. It is further

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

ORDERED that, if a protest is filed, any revenues resulting from an increase in the rates established in this tariff filing shall be held subject to refund pending resolution of the protest.

By ORDER of the Florida Public Service Commission, this
31st day of DECEMBER, 1990



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

TH

ORDER NO. 23945
DOCKET NO. 900183-TL
PAGE 4

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 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 January 22,
1991.

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.