

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Attorney) DOCKET NO. 910060-TP
General and the Public Counsel) ORDER NO. 24098
adopt rules governing 900 services.) ISSUED: 2-12-91
)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING PETITION TO INITIATE
RULEMAKING PROCEEDINGS GOVERNING 900 SERVICES

BY THE COMMISSION:

By petition filed on January 15, 1991, the Attorney General and Public Counsel asked the Commission to adopt rules governing 900 services in order to protect the consumers of such services as well as telephone customers generally. Petitioners also proposed specific rules.

The petition alleged that abuses by some 900 providers, including unfair and deceptive sales, misrepresented services, and unclear cost of the call have resulted in victimization of consumers. The petition also alleges that phone bills do not inform customers of rights or of a mechanism to dispute 900 charges. In addition, blocking of 900 calls from the consumer's phone without charge is sought.

We concur in the need to adopt additional protection for consumers relevant to both 900 and 976 services. Therefore, we approve the initiation of rulemaking to address those issues.

In response to additional argument presented, we hold that the rulemaking process should be bifurcated to consider sections 1, 2(a), and 2(e) of the Attorney General's and Public Counsel's proposal on an expedited basis, leaving the remainder of the proposed rules for consideration thereafter.

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01397 FEB 12 1991

FLORIDA PUBLIC SERVICE COMMISSION

ORDER NO. 24098
DOCKET NO. 910060-TP
PAGE 2

We also note that granting this petition does not operate to adopt the rules suggested by petitioners. Those proposed rules are subject to the rulemaking process, including the review and suggestions of other interested participants.

In view of the above, it is

ORDERED by the Florida Public Service Commission that the Petition to Initiate Rulemaking Proceedings Governing 900 Services filed by the Attorney General and Office of the Public Counsel is hereby granted.

By ORDER of the Florida Public Service Commission this 12th
day of February, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RCB

0102

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

ORDER NO. 24098
DOCKET NO. 910060-TP
PAGE 3

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.

M E M O R A N D U M

February 12, 1991

TO : DIVISION OF RECORDS AND REPORTING
FROM : RICHARD BELLAK, ASSOCIATE GENERAL COUNSEL *RB DES*
RE : DOCKET NO. 910060-TP -- PETITION OF THE ATTORNEY GENERAL
AND THE PUBLIC COUNSEL TO ADOPT RULES GOVERNING 900
SERVICES.

24098

Attached is an Order Granting Petition to Initiate Rulemaking Proceedings Governing 900 Services in the above-referenced docket. Please issue accordingly.

RCB:prl
Attachment
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01397 FEB 12 1991
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