

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|  |   |                      |
|--|---|----------------------|
| In re: Petition of the Florida           | ) | DOCKET NO. 900994-TL |
| Interexchange Carriers Association for   | ) |                      |
| rejection of SOUTHERN BELL TELEPHONE AND | ) | ORDER NO. 24295      |
| TELEGRAPH COMPANY'S proposed revision to | ) |                      |
| its Access Service Tariff                | ) | ISSUED: 3/27/91      |
|  | ) |                      |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

ORDER DENYING TARIFF

BY THE COMMISSION:

On December 3, 1990, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a tariff revision proposing to establish a new and additional surrogate factor to be used as a basis for compensating the local exchange carriers (LECs) for the interexchange carriers (IXCs) use of special access for intraEAEA traffic. Southern Bell stated that it had filed the tariff in response to Order No. 23540, issued October 1, 1990 in Docket No. 880812-TP. In that Order, we put all parties on notice that the development of special access compensation requirements should proceed quickly to achieve a meaningful compensation level during the time remaining for toll monopoly areas (TMAs).

Southern Bell's filing proposes to establish a Special Access surrogate of 7.4% of all intrastate originating minutes of use for Feature Groups A, B, D, 700, 800, and 900 traffic. The surrogate factor is used as a proxy for the number of intraEAEA minutes which the IXCs carry over access facilities. Currently, the surrogate factor used is 3.7%.

On December 19, 1990, the Florida Interexchange Carriers Association (FIXCA) filed a Petition for Rejection of Southern Bell's tariff. FIXCA objects to the imposition of an additional compensation mechanism above the existing one. By Order No. 24075, issued February 6, 1991, we suspended this filing, finding that compensation paid on special access was an issue raised in the Reconsideration of Order No. 23540, in the TMA docket. The Reconsideration of Order No. 23540 was addressed at the March 5, 1991, Agenda Conference. At that time, we affirmed our prior

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decision regarding compensation requirements on the resale of switched access for intraEAEA traffic. Additionally, we clarified Order No. 23540 by reiterating that all compensation requirements will terminate coincident with the elimination of TMA's on December 31, 1991.

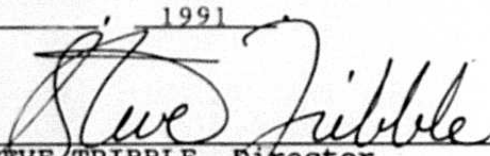
Upon consideration, we find that it would not be appropriate to allow LECs to generate additional revenues from the compensation process at this time. It would be improper to impose additional monetary burdens on the IXCs or to provide new support mechanisms for the LECs just as other competitive restrictions are about to be lifted. Therefore, we grant FIXCA's petition for rejection of Southern Bell's tariff, and hereby deny the tariff.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's filing to establish a Special Access Surrogate is hereby denied. It is further

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

By ORDER of the Florida Public Service Commission, this  
27th day of MARCH 1991

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

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 April 17,  
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.