

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of SOUTHERN BELL)	DOCKET NO. 910622-TP
for failure to meet PSC's Answer Time)	ORDER NO. 24746
Requirements.)	ISSUED: 7-2-91
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The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER ACCEPTING OFFER OF SETTLEMENT
AND CLOSING INVESTIGATION

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.

At our May 7, 1991 Agenda Conference, we initiated two investigations into Southern Bell Telephone and Telegraph Company's (Southern Bell or the Company) compliance with Rules 25-4.110(2) and 25-4.073(1)(b), Florida Administrative Code. As a result, this docket was established to investigate the Company's compliance with Rule 25-4.073(1)(b), Florida Administrative Code.

The offer of settlement filed by Southern Bell states that the Company will remit \$40,000 to settle this investigation into its past compliance with Rule 25-4.073, Florida Administrative Code. In addition, the Company's offer requests that the Commission agree to grant its petition to initiate rulemaking, filed April 17, 1991, and now pending in Docket No. 910506-TL. Although the Office of Public Counsel (OPC) has filed a notice of intervention into this matter, the Company's offer does not reflect any agreement by OPC to settle this matter.

Based on the discussion at our May 7, 1991 Agenda Conference, it is apparent that there are several different interpretations of Rule 25-4.073(1)(b), Florida Administrative Code. The Company's offer reflects that it does not agree with our staff's

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interpretation of Rule 25-4.073(1)(b), Florida Administrative Code. Settlement of this matter will permit our earlier consideration of the appropriateness of the Company's proposal to amend our answer time rule pending in Docket No. 910506-TL as well as any other amendment to that rule. It will also allow our staff to focus on the other current investigations regarding Southern Bell.

Based on our consideration of the above, we find Southern Bell's settlement offer to be reasonable, and we hereby accept it. By this acceptance, we also agree to grant the Company's petition to initiate rulemaking pending in Docket No. 910506-TL.

Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's offer to remit \$40,000 to settle this investigation is hereby accepted. It is further

ORDERED that our acceptance of the Company's settlement offer is proposed agency action and shall become final and effective if no protest is received within the period set forth in the Notice of Further Proceedings below.

By ORDER of the Florida Public Service Commission, this 2nd
day of July, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

SFS

by: Kay Elyan
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

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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 Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on
7-23-91.

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.

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.