

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing to)	DOCKET NO.	910886-TL
modify the provisions for Special)		
Construction Charges for Facilities on)	ORDER NO.	25200
Private Property by SOUTHERN BELL)		
TELEPHONE AND TELEGRAPH COMPANY)	ISSUED:	10/11/91
)		

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 MICHAEL MCK. WILSON

ORDER APPROVING TARIFF

BY THE COMMISSION:

On August 9, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a tariff proposing to modify the provisions for the application of special construction charges on private property where the facilities are used for subscribers in general. The Company seeks to amend the private property subsection of its Special Construction tariff by adding language similar to that currently included in the public property subsection. The current language in the private property subsection requires that no special construction charges would apply. The proposed modification will limit the exclusion of special construction charges to the reasonable provision of those facilities. If the provision of such facilities is determined to be unreasonable, then special construction charges will apply. The Commission will ultimately determine if special construction charges apply.

We believe that the language specifying that construction charges may be assessed if a request for service is determined to be unreasonable should be applicable to private as well as public property. This language was previously approved for construction of facilities across public property in Docket No. 880682-TL, as a means to alleviate the potential for unusual or inordinate costs to be borne by the general body of ratepayers. The requirement that the Commission ultimately determine the reasonableness of a request was designed to ensure that all parties be fairly represented. We believe that this tariff is appropriate, and hereby approve it as filed.

DOCUMENT NUMBER-DATE

10101 OCT 11 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25200
DOCKET NO. 910886-TL
PAGE 2

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's tariff filing to modify the provisions for application of special construction charges on private property where the facilities are used for subscribers in general is hereby approved, effective October 8, 1991. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. 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 11th day of OCTOBER, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

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

ORDER NO. 25200
DOCKET NO. 910886-TL
PAGE 3

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 11/01/91

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.