

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Tariff filing to clarify Feature)	DOCKET NO. 910950-TL
Group D Access Tariff Language for order-))	
ing busy hour minutes of capacity by)	ORDER NO. 25336
GTE FLORIDA INCORPORATED)	
_____)	ISSUED: 11/13/91

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

This tariff filing (T-91-452) by GTE Florida Incorporated (GTEFL or the Company) adds language to clarify that when an interexchange carrier (IXC) purchases Feature Group (FG) D access from the local exchange company (LEC) from February 23, 1990, going forward, each access line or trunk is assumed to have 30 busy hour minutes of capacity (BHMOC). This tariff clarifies that the 30 BHMOC assessment is on a going forward basis and does not apply to all existing lines or trunks that were ordered prior to February 23, 1990.

In 1989, Southern Bell Telephone and Telegraph Company (Southern Bell) filed a tariff (T-89-360) to revise its existing Intrastate Access Tariff to bring it more closely in line with the regulations of BellSouth Telephone Companies Tariff FCC No. 4. The tariff changes were largely textual; however, there were a few changes that affected the purchase of access on a going forward basis.

The access tariff identified that for IXCs ordering FG A or B, each line or trunk is considered to have 30 BHMOC. This assumption was made for ease of calculation and ordering the BHMOC. With the 1989 tariff filing, Southern Bell included FG D with FG A and B in assuming 30 BHMOC. This change simplified the process of ordering BHMOC for FG D and was intended to result in future access savings to the IXCs. A savings for IXCs would occur if they ordered lines or trunks that had a capacity greater than 30 BHMOC. Since the LECs were attempting to reduce BHMOC revenues as their earnings permitted, the LECs that concurred with Southern Bell's Intrastate Access Tariff agreed to this going forward reduction. Earlier this

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year when GTEFL introduced its Intrastate Access Tariff, it mirrored Southern Bell's Intrastate Access Tariff, including the textual changes that were made by Southern Bell in its 1989 tariff filing.

Apparently, some IXCs have taken a broader interpretation of the Intrastate Access Tariff regarding FG D, claiming that the 30 BHMOC should also apply to lines and trunks that had been ordered prior to February 23, 1990. If that interpretation were correct, it would result in a substantial and unintended loss of revenues for some LECs. As a result of this interpretation, GTEFL has filed this tariff to clarify the tariff language.

Upon consideration, we find this tariff filing to be appropriate. Accordingly, the tariff shall be approved as filed, with an effective date of November 5, 1991.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated's tariff filing to clarify Feature Group D (FG D) tariff language for ordering busy hour minutes of capacity (BHMOC) (T-91-452) filed September 6, 1991, is hereby approved effective November 5, 1991. It is further

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

By ORDER of the Florida Public Service Commission, this 13th
day of NOVEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kary Flynn
Chief, Bureau of Records

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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 12/4/91.

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.