

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to add)	DOCKET NO. 911105-TI
language to clarify that appropriate)	
billing will occur when returning)	ORDER NO. 25443
answer supervision by SOUTHERN BELL)	
TELEPHONE AND TELEGRAPH COMPANY)	ISSUED: 12/9/91
)	

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING TARIFF FILING, AND INVITING
SOUTHERN BELL TO FILE AN IDENTICAL TARIFF
MINUS LANGUAGE DEFINING A BLOCKED CALL AS A COMPLETED CALL

BY THE COMMISSION:

On September 29, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a tariff to introduce language which would allow billing for calls to occur when the call is answered by return answer supervision. Specifically, the proposed tariff provides for:

- (1) a definition of a completed call;
- (2) a definition of an incomplete call attempt; and
- (3) a clarification that subscribers may be billed for all completed calls.

Southern Bell defines a completed call as "a calling attempt by the subscriber that results in an off-hook condition at the receiving end." In its proposed tariff Southern Bell provides the following examples of a completed call:

- (1) the called party responds by personally answering the call;
- (2) a customer controlled automatic answering device responds by answering the call;
- (3) a Company recording, under the control of the called party, responds to the calling attempt (e.g., Call Block and other similar services would be completed calls), except for attempts defined as incomplete calls; or
- (4) the calling attempt, when under the control of the called party, (e.g., Call Forwarding Busy Line, Call Forwarding Don't Answer, etc.) is forwarded to another telephone

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number that results in one of the conditions described in (1), (2), or (3) preceding.

Southern Bell defines an incomplete call attempt as:

Calls that are not completed due to insufficient answering capability. Call attempts are considered incomplete if the calling party receives a busy signal, a ring with no answer, or a recorded message stating network difficulty in completing the call, number changed, number invalid, number not in service, or number not assigned.

Additionally, Southern Bell introduces language stating that "[t]he subscriber is responsible for payment of all appropriate charges for completed calls, services, and equipment." The filing also adds language allowing Southern Bell to introduce return answer supervision and provides for billing on all toll calls blocked by the Call Block feature. Southern Bell's call blocking feature provides the subscriber the ability to prevent incoming calls from up to 6 different telephone numbers for \$3.50 per month. When a caller using one of the 6 numbers which has been call blocked attempts to reach the dialed number he receives an announcement indicating that the party he is attempting to call does not wish to receive calls at this time.

Southern Bell believes this filing will allow applicable billing for calls that are properly completed through it's network and that an appropriate termination is made based on the called party's handling of the call. The Company concedes that the effect of this filing will be the generation of additional revenues. However, Southern Bell does not know the number of toll calls which will be affected by this filing and, as a result, was unable to provide an estimate of the revenue impact of the filing.

While we find that it is appropriate that Southern Bell add specific language to its tariff to define completed and uncompleted calls and, the billing of completed calls, we do not approve the concept that a blocked call is a completed call. Therefore, we reject the tariff. If the identical tariff is refiled without language which allows a blocked call to be treated as a completed call, the tariff filing need not be brought before the Commission for approval, and, subject to review for consistency by the Commission staff, shall go into effect.

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This Docket shall be closed at the conclusion of the protest period which is discussed at the end of this Order, assuming no timely protest to this Order is filed. Since we anticipate that the Company will refile the tariff with the call blocking language deleted, and that otherwise identical filing shall not be brought before the Commission, a timely protest to this Order is the point of entry to protest our determination of an acceptable tariff as discussed above.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph's proposed filing to clarify the definition of a completed call is hereby denied. However, if the tariff is refiled without language which allows a blocked call to be treated as a completed call, the tariff filing need not be brought before the Commission for approval, and, subject to review by the Commission staff, shall go into effect. It is further

ORDERED that this Docket shall be closed at the conclusion of the protest period which is discussed at the end of this Order, assuming no timely protest to this Order is filed. A timely protest to this Order within the timeframes set forth below is the point of entry to protest the anticipated tariff filing discussed in this Order.

By ORDER of the Florida Public Service Commission, this 9th day of DECEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

Commissioner Clark dissented from the Commission's decision to deny the tariff as filed.

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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 12/30/91.

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.