

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to obsolete)	DOCKET NO. 911021-TL
subvoice grade service in the private)	
line tariff and waive nonrecurring)	ORDER NO. 25544
charges in certain circumstances by)	
SOUTHERN BELL TELEPHONE AND TELEGRAPH)	ISSUED: 12/26/91
COMPANY.)	

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

I. TARIFF FILING APPROVED

On September 30, 1991, Southern Bell filed a tariff proposal to obsolete Subvoice Grade Service in its Private Line Tariff. The proposal will allow customers subscribing to services requiring metallic facilities to elect to convert to alternate offerings, and the Company will waive the nonrecurring charges associated with the change. Subvoice grade service is offered for customers that have a direct current continuity requirement, such as alarms, or low speed data requirements. The subvoice grade circuit typically does not meet the transmission and data standards for a voice grade circuit that will handle up to 64 kilobits of data or 4 kilohertz of bandwidth.

This filing is an enhancement to the Company's Technological Displacement Program (TDAP). TDAP is associated with the Company's network modernization plan to replace obsolete facilities, primarily metallic-based plant, with fiber optics and subscriber carrier that do not provide metallic circuitry. The Company indicates that the TDAP program waives nonrecurring charges when a customer must migrate to a non-metallic service due to his current metallic-based service being made obsolete pursuant to the Company's modernization program. TDAP provides for notification to the customer six to seven months in advance of the modernization to allow time for the customer to make any necessary changes to his equipment.

This filing proposes to allow the customer to elect to change service at any time prior to a modernization program and have the waiver of nonrecurring charges apply. This allows the customer

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more discretion on changes, and should minimize any ill-will associated with having to change due to Company programs.

The Company states that Subvoice Grade Service local channels will be obsolete, yet will be available if facilities exist. However, Subvoice Grade Interoffice Channels for Local Channel Type 1204 will no longer be available and will be removed from service as of December 2, 1993. The demise date for interoffice channels reflects that the interoffice network is migrating to a digital architecture and metallic services will no longer be available. The Company states that it has less than 3000 miles of subvoice grade interoffice channels in service, decreasing at approximately 100 miles per month. There are 741 circuits in service, therefore, the average length of an interoffice circuit is slightly over four miles. The longer subvoice grade interoffice circuits have been displaced through modernization, and at the current rate of decline, there should be few remaining subvoice interoffice circuits by December, 1993.

Therefore, we find it appropriate to approve this tariff filing. Southern Bell states that it cannot quantify any revenue effect or payback associated with the proposal, however, it expects the impact to be minimal since the Company presently has procedures that waive the nonrecurring charges. The filing should reduce TDAP administration time. Also, offering customers the opportunity to migrate to an alternative service at their discretion should enhance customer-Company relations.

II. COMPANY TO SUBMIT INFORMATION AND APPROPRIATE WAIVER REQUESTS FOR ALL AFFECTED TARIFFS

Southern Bell indicates that it has been standard Company policy to waive nonrecurring charges when modernization efforts result in customers being transferred to alternative services. The Company states that this is a long standing policy. Although this appears to be a reasonable policy, it requires Commission approval because nonrecurring charges are a tariffed rate element.

Southern Bell's representatives have indicated that they were under the impression that the waiver was approved as part of the Private Line/Special Access Restructure, however, we are not aware of any specific or implied authority that has been granted by this Commission for these waivers. The Company shall provide this Commission with the history, circumstances, number of customers affected, and dollar amount of nonrecurring charges that have been waived. The appropriate requests for waiver in the respective tariffs shall be submitted within 60 days. The Company shall file

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the appropriate tariff amendments within 60 days of the issuance date of this Order. Upon the submission of this information, we will take appropriate action, if any is indicated.

Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's tariff filing to obsolete Subvoice Grade Service in the Private Line Tariff and to allow customers to convert existing metallic-based service to voice grade service and waive any nonrecurring charges associated with the change is hereby approved. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file appropriate tariffs for all services for which the Company intends to waive nonrecurring charges. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall provide the information regarding the circumstances of any nonrecurring charges that have been waived as set forth herein, within 60 days of the issuance date of this Order. It is further

ORDERED that if a timely protest is filed pursuant to the requirements set forth below, all increased revenues resulting from this filing shall be held subject to refund. It is further

ORDERED that if no protest is received within the time frame set forth below, this tariff shall become effective. It is further

ORDERED that this docket shall remain open pending the submission of the information required herein and the evaluation of that information.

By ORDER of the Florida Public Service Commission, this 26th
day of DECEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
SFS

By: Kay Helgen
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 1/16/92.

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.