

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff) DOCKET NO. 910930-TL
filing to refund nonrecurring) ORDER NO. PSC-92-0212-FOF-TL
charges if service is not) ISSUED: 4/15/92
installed by the commitment)
date by GTE FLORIDA)
INCORPORATED)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING REQUEST FOR EXTENSION OF TIME

BY THE COMMISSION:

By Order No. 25323, issued November 12, 1991 (the Order), we approved GTE Florida Incorporated's (GTEFL or the Company) tariff proposing to implement a Performance Commitment Program (PCP). The PCP provided for switched and special access customers to receive a refund of nonrecurring charges if GTEFL failed to meet installation commitment dates. The effective date of the tariff was October 16, 1991.

Although we expressed concerns regarding implementation of the PCP, we found that if combined with certain safeguards, other classes of customers' service standards and the rate base should not be in jeopardy. Thus, in the Order we approved the PCP with the following requirements for quarterly reports:

1. GTEFL shall file quarterly PCP reports to allow our staff to compare trends with the quarterly reports currently required on new primary service requests. The reports shall be mandatory for 12 months, and required thereafter on an exception basis for the next 12 months, on all exchanges, if during any period the Company fails to meet the requirement of Rule 25-24.066, Florida Administrative Code. The PCP reports shall be submitted on an exchange basis, separated by switched and special access service, to include:
 - a. The total number of access orders completed;

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- b. The number and percentage of orders meeting the PCP due date;
- c. The number and percentage of orders that did not meet the PCP due date because of a failure by GTEFL;
- d. The dollar amount refunded because GTEFL failed to meet the PCP due dates.

As specified in Rule 25-4.0185, reports required on a quarterly basis shall be filed on or before the end of the month following the reporting quarter. The PCP tariff was effective October 16, 1991; therefore, the reporting requirements were in effect for the fourth quarter, 1991, and a report should have been filed by January 31, 1992.

On February 4, 1992, our staff contacted GTEFL because the report had not been filed. The Company responded that the report had not been filed because the Company had not completed the necessary system and programming changes to the accounting system. On February 17, 1992, GTEFL filed a request for extension of time. The Company requests permission to delay submission of the fourth quarter information until it becomes available in April as the modification process cannot be completed until March 1, 1992. The request also indicates the Company's confusion over the proper date for submission of fourth quarter results because no schedule for filing was set forth in the Order. Further, the Company states that additional confusion arose from the conflict between the different tariff effective dates set forth in the Order and on the approved tariff pages. The tariff pages had been stamped with the date October 27, 1991, while the Order was effective October 16, 1992. Finally, the Company asks for clarification to preclude future misunderstanding.

We believe the Order was clear, and the Company should have taken the initiative to clarify any misunderstandings when the Order was received, or at least prior to the report's due date. However, we will reiterate the reporting requirements as follows:

1. In the Order, the effective date of the tariff was October 16, 1991. Since the Company implemented the program on October 27, 1991, which was the date stamped on the tariff pages, the effective date will now be October 27, 1991.

2. GTEFL shall file the fourth quarter 1991 PCP results with the first quarter 1992 report.
3. PCP reports shall be filed on a quarterly basis, on or before the end of the month following the reporting quarter. Accordingly, mandatory PCP reports are due by month's end in April, July, and October of 1992, and January of 1993.
4. The PCP reports are mandatory for twelve months, effective with the October 27, 1991, approval date of the tariff. Thus, the fourth quarter 1992 report will contain PCP results through the October 12-month termination date.
5. Exception reports shall be required for the second 12-month period, on all exchanges, if during any period the Company fails to meet the requirement of Rule 25-4.066 on new primary service requests.

GTEFL should have notified the Commission that the information required by the Order would not be forthcoming in a timely manner. If the Company was confused by the terms and conditions set forth in the Order, then it should have requested clarification when the Order was issued, which was on November 12, 1991. The Company should not wait until a potential violation of a Commission order exists before addressing the need for clarification of specific terms or conditions.

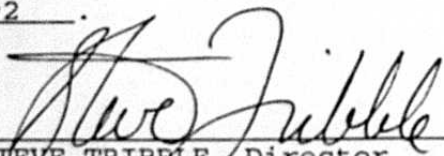
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated's Request for Extension of Time is hereby granted, subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of April, 1992.

(S E A L)
PAK



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.