

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of) DOCKET NO. 920962-TL
tariff filing to introduce N11) ORDER NO. PSC-92-1272-FOF-TL
service by BELLSOUTH TELECOMMUNI-) ISSUED: 11/04/92
CATIONS, INC. d/b/a SOUTHERN BELL)
TELEPHONE AND TELEGRAPH COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING EXPERIMENTAL TARIFF
AND SETTING MATTER FOR HEARING

BY THE COMMISSION:

I. Background

The tariff filing in this Docket has its genesis in Docket No. 910049-TL. Docket No. 910049-TL was opened January 11, 1991, in response to a petition filed on the behalf of three newspapers: Palm Beach News, Inc. (Palm Beach Post), News and Sun-Sentinel Company (Ft. Lauderdale Sun-Sentinel) and Cape Publications, Inc. (Florida Today/Melbourne) (collectively the Petitioners). The petition was filed as a result of Cox Publications, Inc.'s (Cox) inability to obtain 976 service for the Palm Beach Post in West Palm Beach. Cox is the parent corporation of Palm Beach News Inc., which is the parent corporation of the Palm Beach Post.

The Petitioners seek a local pay-per-call service such as 976 in their respective market areas. Southern Bell Telephone and Telegraph Company (Southern Bell or Company) can not provide 976 service to any of the Petitioners' premises because of the service's historic technical provisioning. Additionally, It is Southern Bell's position that adding another NXX, such as 975, is not economical.

Local 976 service is available in Florida's four most populated markets, but no other market has local 976 service. Thus, an out-of-area vendor must subscribe to an FX line to the local area of the 976 numbers and incur long distance charges to access the service. This circumstance discourages subscription to 976 service outside of its designated local area. Although this arrangement is not ideal, it is necessary because of the technical limitations of local exchange companies' (LEC) switches.

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FDSC-DECORDS (REPTING)

Cox wants to provide an information service based on a local newspaper where news headlines, classified ads, personal ads, and other information are provided to customers on a pay-per-call basis. Cox believed 976 service to be ideal for this because it provides the essential elements of financial viability: audio text capability, pay-per-call provisioning, and LEC billing and collection. In early 1989, Cox was denied its original request for 976 service in West Palm Beach. Cox then made several other attempts to get 976, or 976-like, service in West Palm Beach prior to filing its petition.

Our staff, Southern Bell, and Cox met several times over an 18 month period to try to resolve this problem. Several alternatives were considered. However, few of the alternatives are technically feasible, and none appear to be cost effective. The dilemma is compounded by the fact that 976 service is steadily declining in demand nationwide, and some companies are eliminating it entirely as 900 services become more popular. Still, Southern Bell wants to serve the customer but has been unable to devise an acceptable product and Cox wants to provide an information service but has had no effective way of reaching customers on a local basis.

This past spring, Cox found that "N11" might be an appropriate substitute for 976 service and asked Southern Bell provide it with N11 Service. Southern Bell asked the FCC to allow it to use all unassigned N11 codes (any or all of 211, 311, 511, 611, 711, and 811) for a local pay-per-call service. The FCC has opened Docket 92-105 to address the matter.

II. Decision Regarding Tariff Filing

On August 10, 1992, Southern Bell filed proposed revisions to its General Subscriber Service Tariff. The purpose of the filing was to introduce an experimental access arrangement for local pay-per-call services called N11 Service. At our October 20, 1992, Agenda Conference, Southern Bell agreed to limit its experimental offering of N11 Service to Cox (Palm Beach Post). The proposed N11 Service is a three-digit local dialing arrangement (local meaning the same exchanges reached through flat rate seven digit local dialing). The Company will record and rate the call, and provide billing and collection pursuant to Tariff Section A37.

Widely divergent views regarding N11 Service, which is a limited resource, were argued by the parties appearing at our October 20, 1992, Agenda Conference. Thus, we set shall set this matter for hearing on our own motion. However, we find that an experimental offering of N11 Service will be valuable in evaluating the use of N11. Given the prolonged history of the attempts of the

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Palm Beach Post to obtain a suitable service, we find it appropriate to allow Southern Bell to provide N11 Service to that newspaper on an experimental basis under the terms and conditions of its proposed tariff. The effective date of the experimental tariff shall be October 26, 1992. The experiment shall run for two years.

Therefore, it is

ORDERED by the Florida Public Service Commission that an experimental tariff to provide N11 Service to Cox Communications, Inc. (Palm Beach Post) in West Palm Beach by Southern Bell Telephone and Telegraph Company for a two year period is hereby approved. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file semiannual reports beginning six months after the effective date of the experimental N11 tariff. The reports shall contain revenues and costs incurred for the service. The reports shall continue for the duration of the trial. It is further

ORDERED that all other issues regarding the provision of N11 Service by Southern Bell Telephone and Telegraph Company are hereby set of hearing. It is further

ORDERED that the effective date of the experimental tariff to provide N11 service to the Palm Beach News, Inc. shall be October 26, 1992. If this tariff is protested it shall remain in effect pending the outcome of such a protest. Any such protests shall be addressed at the hearing which is scheduled in this docket.

By ORDER of the Florida Public Service Commission this 4th day of November, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

by: Kay Flynn
Chief, Bureau of Records

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 November 25, 1992.

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 wastewater 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.