

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 921263-TL
tariff filing to remove the) ORDER NO. PSC-93-0311-FOF-TL
customer option of MegaLink and) ISSUED: 03/01/93
LightGate service 1.544 Mbps)
channelization elements at)
customer premises locations by)
BELLSOUTH TELECOMMUNICATIONS,)
INC. d/b/a SOUTHERN BELL)
TELEPHONE AND TELEGRAPH COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER APPROVING TARIFF

BY THE COMMISSION:

On December 12, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a tariff proposing to remove the tariffed customer option of MegaLink channel service (MLCS) and LightGate (LG) 1.544 Mbps channelization elements at customer premises locations. MLCS and LG are Digital Network Service offerings in the Company's Private Line Service Tariff. MLCS is an intraLATA digital service which is currently provided on a channelized capability utilizing equipment in the Company's central office or at the customers' premises or both. This service is provided in packages based on multiple voice grade channel equivalents (DSO) where 24 voice grade channels are equivalent to a DS1 (1.544 Mbps). The LG service is a similar offering that uses fiber optics transmission to provide systems of DS-3 (44.736 Mbps), DS1 and/or multiple voice grade channel equivalents.

Under the current tariff, MLCS or LG channelization equipment may be provided at both the central office and on-site customer locations. This arrangement allows for the multiplexing of the traffic between the customer site and central office, thus

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eliminating the need for individual loops (lines) for each channel provided.

The Federal Communications Commission (FCC) has previously ruled that common carriers may not provide customer premises equipment (CPE) pursuant to tariff. Consistent with this policy, the FCC has rejected Southern Bell's Tariff F.C.C. No. 1, Transmittal No. 30, Digital Transmission Service (DTS), on the basis that D-4 channel banks are CPE. In accordance with the FCC's detariffing of the CPE utilized in the provision of MLCS and LG, the Company has also proposed to remove these elements from its intrastate tariffs.

Upon consideration, we find that the tariff should be approved. Existing customers should not be adversely affected. This equipment will continue to be offered by various vendors as well as Southern Bell on a detariffed basis. The Company has committed to notify existing customers of the service by mail of the changes. The Company also states that it will maintain the embedded base in accordance with the existing MLCS and LG channelization contracts.

We note that this tariff will result in a reduction in regulated revenues of \$577,029. We note also that the regulated expenses associated with the removal of the CPE will also be eliminated.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff filed by BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company is hereby approved as set forth in the body of this Order. It is further

ORDERED that the tariff shall become effective on March 3, 1993. 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 docket shall be closed.

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By ORDER of the Florida Public Service Commission this 1st day
of March, 1993.



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.

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 March 22, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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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.