

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 930184-TL
tariff filing to implement the) ORDER NO. PSC-93-0444-FOF-TL
\$.25 message rate plan on the) ISSUED: 03/24/93
Orange City/Daytona Beach,)
Orange City/New Smyrna Beach,)
Orange City/Oak Hill, and Orange)
City/Pierson routes by UNITED)
TELEPHONE COMPANY OF FLORIDA.)
_____)

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 DENYING TARIFF FILING
AND EXTENDING IMPLEMENTATION DATE

BY THE COMMISSION:

By Order No. PSC-92-0982-FOF-TL, issued September 11, 1992, we proposed requiring BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) and United Telephone Company of Florida (United) to implement the alternative toll relief plan known as the \$.25 plan between a number of exchanges in Volusia County. In addition, we proposed requiring a survey of certain subscribers for implementation of nonoptional, flat rate, two-way calling between certain exchanges. No protest was filed to our proposal, so Order No. PSC-92-0982-FOF-TL became final on October 5, 1992.

The Order requires that the \$.25 plan be implemented by April 5, 1993. Four of the routes on which the \$.25 plan is to be implemented are interLATA routes served by United and Southern Bell. For these routes, a waiver of the Modified Final Judgment (MFJ) is required before the calling plan can be implemented.

On January 19, 1993, United filed a tariff to implement the \$.25 plan on a one-way basis from the Orange City exchange to Daytona Beach, New Smyrna Beach, Oak Hill, and Pierson exchanges. The Orange City exchange is served by United, while the Daytona Beach, New Smyrna Beach, Oak Hill, and Pierson exchanges are served by Southern Bell. United states that since it is not bound by the MFJ, it remains under Commission order to implement the \$.25 plan.

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Initially we note that there are a number of routes around the state where we have ordered the \$.25 plan to be implemented, but it has not been, pending the outcome of MFJ/Consent Decree waiver requests by Southern Bell and GTE Florida Incorporated (GTEFL). In similar situations in Dockets Nos. 920866-TL and 921166-TL, we denied proposals to implement the \$.25 plan on a one-way basis. The intent of the \$.25 plan is to allow two-way, seven-digit local calling. We have not ordered routes to be implemented on a one-way basis in other dockets and do not intend to do so here. Accordingly, United's tariff proposal shall be denied.

In addition, we find it appropriate to extend the implementation date for these routes for United until such time as Southern Bell receives the requested MFJ waiver and can implement its portion of these routes. Because of our concerns about the length of time the MFJ/Consent Decree waiver requests have been pending, we have directed our staff to take certain actions we believe may help to expedite that process.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff proposal filed on January 19, 1993, by United Telephone Company of Florida to implement the \$.25 plan on certain routes (T-93-028) is hereby denied for the reasons set forth herein. It is further

ORDERED that United Telephone Company of Florida shall be given an extension of time for implementation for the reasons and in the manner set forth herein. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 24th day of March, 1993.

(S E A L)
ABG



STEVE TRIBBLE, Director
Division of Records and Reporting

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Commissioner Lauredo dissented from the decision to deny the tariff. He would have approved the tariff filing, thereby forcing action on the MFJ waiver issue.

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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.