

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 920962-TL
tariff filing to introduce N11) ORDER NO. PSC-93-0661-FOF-TL
service by BELL SOUTH TELECOM-) ISSUED: 4/28/93
MUNICATIONS, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER WAIVING RULE AND REQUIRING BELLSOUTH
TELECOMMUNICATIONS, INC. D/B/A SOUTHERN
BELL TELEPHONE AND TELEGRAPH COMPANY
TO FILE A TARIFF

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 1, 1993, Palm Beach News, Inc. (PBNI) filed a Motion to Allow Monthly Report Feature. PBNI asks that a provision be added to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's (Southern Bell's or the Company's) experimental N11 Service tariff which would allow PBNI to receive a monthly report of all customers accessing PBNI's 511 service.

N11 Service is a tariffed offering by Southern Bell that provides local pay per call service. It was filed in response to a PBNI request for 976 service in West Palm Beach. Southern Bell could not offer 976 service there, so it and PBNI developed N11 service. The tariff was approved on an experimental basis to PBNI in West Palm Beach while the matter was set for hearing. The hearing is currently scheduled for July 1-2, 1993.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

PBNI offers its service, called 511 Postlines, through the Palm Beach Post newspaper. It provides sports scores, news updates, horoscopes and so forth. PBNI charges \$.35 for a five minute call on the service, billed by the local exchange company.

PBNI requests a report from Southern Bell at the end of each month showing each call to PBNI's 511 service with the caller's phone number, the time, date, and duration of the call. Under the proposal, callers' names or addresses will not be provided. PBNI asserts that this report is necessary for it to properly adjust customers' bills when the customer calls PBNI with a complaint.

We note the following:

1. PBNI has stated that the information will be used solely for customer service and adjustments to bills, and not for marketing purposes;
2. N11 is an experimental offering which means that features may be added or deleted during the trial as necessary, with no expectation of permanence by the subscribers;
3. The matter of N11 codes and services has been set for hearing and including this reporting feature as part of the experiment will allow us to examine the necessity and use of such reports;
4. Privacy concerns can be decided at the hearings for any permanent service offerings and, in the interim, PBNI has agreed to restrict access to the information and only use it for the purpose designed.

Under the circumstances, we find that it is in the public interest to grant PBNI's Motion. Southern Bell shall file a tariff revision to its N11 Service to include the feature by May 15, 1993. The tariff shall become effective on May 22, 1993.

On April 2, 1993, PBNI requested that Southern Bell amend its tariff regarding the advertisement of N11 service. PBNI asserts that Southern Bell's requirements for advertising N11 service make it difficult to effectively advertise in the Palm Beach Post newspaper. Specifically, Southern Bell's tariff requires all print advertising to include the following: the name of the person responsible for the ad, that person's telephone number (in bold type no smaller than the largest type used elsewhere in the ad),

the charge for the call, who bills the call, and that the call will be on the customer's telephone bill.

PBNI asks that it be allowed to provide its instructions and rates for N11 in a single area, prominently displayed, with reference made to it throughout the paper. Specifically, PBNI's request states that Southern Bell's tariff should read:

Where detailed and complete information concerning the N11 service is prominently displayed in the newspaper as contemplated under the experimental tariff and the Commission's rules, other references to the N11 service within that newspaper need not repeat all of the information so long as each other reference clearly reflects that there is a charge for dialing the N11 number.

Upon review, given the experimental nature of this offering, we find this language to be appropriate with one addition. The last sentence shall conclude: "and where the complete information is located." Southern Bell shall file an amendment to its N11 tariff reflecting PBNI's proposed language, as modified by the Commission, by May 15, 1993, to take effect May 22, 1993.

In this regard, we note that the Commission's pay per call Rules do not require the advertising restrictions which Southern Bell's tariff requires. Rule 25-4.110(10)(b)(6), Florida Administrative Code, specifically states:

"In all advertising and promotional materials, displays charges immediately above, below or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. . ."

After a review of the ad campaign, we note that the rates and terms for 511 service are clearly displayed and referenced in each newspaper, each day, and that it would be quite difficult for a customer to remain unaware of either the service or the charges after skimming through a single Palm Beach Post newspaper. However, since it could be argued that each time the 511 logo appears anywhere in the newspaper it is a separate advertisement (as opposed to a unified ad which exists throughout the publication) we shall temporarily waive the aforementioned Rule in order to allow

the experiment to continue unfettered until the matter is resolved at the scheduled hearing.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion to Allow Monthly Report Feature filed by Palm Beach Newspapers, Inc. is hereby granted. BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall file a tariff revision to offer the feature by May 15, 1993 with an effective date of May 22, 1993. It is further

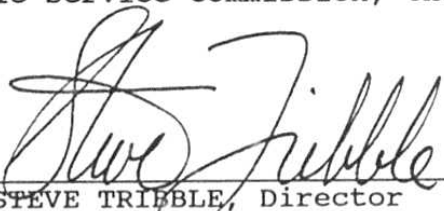
ORDERED that the Rule 25-4.110(10)(b)(6), Florida Administrative Code, is hereby waived, to the extent set forth in the body of this Order, pending the outcome of the hearings in this Docket. Southern Bell shall amend its tariff for N11 Service, by the dates set forth above, to read:

Where detailed and complete information concerning the N11 service is prominently displayed in the newspaper as contemplated under the experimental tariff and the Commission's rules, other references to the N11 service within that newspaper need not repeat all of the information so long as each other reference clearly reflects that there is a charge for dialing the N11 number and where the complete information is located.

It is further

ORDERED that this Docket shall remain open.

By ORDER of the Florida Public Service Commission, this 28th day of April, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
CWM

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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 May 19, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective 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 effective date 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.