

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed tariff filing ) DOCKET NO. 921192-TL  
to make changes to Percent ) ORDER NO. PSC-93-0947-FOF-TL  
Interstate Use reporting ) ISSUED: June 24, 1993  
provisions by BELLSOUTH )  
TELECOMMUNICATIONS, INC. d/b/a )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

CASE BACKGROUND

By Order No. 12765, issued December 9, 1983, this Commission authorized the local exchange companies (LECs) to monitor and audit the Percent of Interstate Use (PIU) of interexchange carriers' (IXCs') traffic, to ensure that access charges paid by the IXCs would be paid at the tariffed rate to the appropriate jurisdiction. PIU was developed at the FCC to determine the jurisdictional mix of traffic between the intra and interstate toll markets, and represents the percent of total toll traffic that is interstate. By Order No. 17879, issued on July 20, 1987, the Commission again addressed PIU, requiring monthly reporting of PIU by the IXCs, annual reports on audit procedures by the LECs, and requiring IXCs' records to be readily available. In order to further refine the reporting process, the Commission issued Order No. 22743 on March 28, 1990, which authorized a more exact calculation for PIU and record retention methods.

On November 2, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed tariff revisions proposing changes to the PIU reporting provisions regarding quarterly jurisdictional reporting, maintenance of IXC records, verification audits, and contested audits. By Order No. PSC-93-0008-FOF-TL, issued January 4, 1993, the Commission suspended the tariff pending the results of a

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workshop planned for the purpose of resolving certain issues concerning this tariff. Accordingly, a workshop was held on May 10, 1993.

#### DISCUSSION OF ISSUES

Southern Bell's tariff proposal is nearly identical to the one approved by the FCC on February 23, 1993. The fundamental provisions of the tariff are as follows:

##### 1. Quarterly Report Updates

Current tariff provisions do not require IXCs to submit an updated quarterly jurisdictional report. Absent an updated report, the IXC's PIU will be maintained from either the most recent quarterly jurisdictional report submitted or the initial jurisdictional report provided with the request for access service.

The proposed tariff would require the IXCs to report their PIU, on a quarterly basis, for Feature Group A (FGA), FGB, 700, 800, and 900 Access Services. Only end users of FGA and FGB would be required to provide quarterly reports. Feature group D (FGD) PIU can be monitored and audited by Southern Bell, thus no reporting is necessary for FGD. An IXC would also be required to provide a PIU when initially ordering FGD.

##### 2. Call Detail Records Retention Shortened

Southern Bell's current tariff language relating to maintenance of IXC records for Switched Access states that call detail records shall be retained for a minimum of one year. After complaints from the IXCs that one year was a burdensome length of time to maintain records, Southern Bell proposes a six month minimum in this tariff filing.

##### 3. Contested Audit Procedure

When a PIU audit is conducted by an independent auditor selected by Southern Bell, the audit results are furnished to the IXC or end user. Southern Bell proposes that an IXC or end user may contest the audit results within 30 calendar days. The Company also proposes that contested audits may be resolved by a neutral

auditor. The proposed tariff also determines how the costs associated with arbitration between Southern Bell and the IXC or end user would be payable.

4. PIU Adjusted Based on Audit Results

The proposed tariff would allow Southern Bell to adjust the IXC or end user's PIU based on audit results. The PIU resulting from the audit will be applied to the quarter preceding the test quarter, the tested quarter, and the two quarters following the completion of the audit. After that time, the IXC or end user may report a revised PIU. However, if the revised PIU represents a substantial deviation, five percentage points or more, from the audited PIU, and that deviation is not due to identifiable and acceptable reasons, Southern Bell may again audit the IXC or end user, as long as an audit is conducted only once a year.

5. Cost of Auditor

The Company proposes that if, as a result of an audit conducted by a mutually agreed upon auditor, an IXC or end user has overstated the PIU by 20 percentage points or more, the mutually agreed upon auditor will be paid for by the IXC or end user. Southern Bell also proposes that if, after 30 days, payment is not received from the IXC or end user, all documentation that demonstrates attempts to collect the cost of the audit shall be turned over to the Commission for further action.

6. Time Limits on Correspondence

Both the LECs and the IXCs are concerned about the amount of time spent completing the entire audit process. Southern Bell proposes the following schedule for response time to correspondence: 30 days for audit results and choice of auditor; and, 10 business days for choice of test period. The Company also proposes that in the absence of a response by either party within the stipulated time frames, concurrence will be assumed, where applicable.

7. Agreed upon Auditor

Southern Bell proposes that if an IXC's auditor is agreed upon to perform the audit, the auditor will produce an attestation report upon completion of the audit. An attestation report is an audit firm's statement that the findings from the particular audit are affirmed correct and genuine, and they will attest to their findings by signature and as a witness.

The Company also proposes that when independent auditor cannot be agreed upon within 30 days, the IXC or end user shall supply the PIU data to the Joint LEC Audit Committee's auditor. If the IXC or end user does not comply within the 30 day time frame, the Commission will be notified and provided with all documentation substantiating requests made by the Company.

Finally, although there is currently a 30 day time limit in the tariff for production of PIU data, the LECs contend that there is a reluctance by the IXCs and end users to provide that data to the auditor within a reasonable time frame. In this filing, Southern Bell proposes that where attempts to obtain the appropriate data from have failed, the Company may provide such documentation to the Commission as an indication of the IXC or end user being in violation of this tariff.

We believe that this tariff filing is appropriate. It appears that the LECs and the IXCs have agreed to tariff language that should resolve many of the problems that have been associated with PIU reporting. Accordingly, we hereby approve the tariff as filed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's tariff proposing changes to Percent Interstate Use reporting provisions is hereby approved, effective June 15, 1993. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirement set forth below, this docket shall be closed.

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

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

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 July 15, 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.