

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into false) DOCKET NO. 920086-TL
alarms caused by SOUTHERN BELL) ORDER NO. PSC-94-0009-FOF-TL
TELEPHONE AND TELEGRAPH) ISSUED: January 5, 1994
COMPANY'S watch alert service in)
the Metro Dade area.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

ORDER CLOSING DOCKET

BY THE COMMISSION:

This docket was opened on January 30, 1992 as the result of concerns raised by the Metro Dade Police Department (MDPD) regarding the imposition of penalties on premises owners by MDPD for false alarms. Such penalties are imposed pursuant to Dade County's Burglar Alarm Ordinance. In a number of cases, false alarms have been attributed to alleged failures of Watch Alert. Watch Alert is a service provided by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company) to alarm companies.

MDPD has suggested without formal request that it be allowed to adjudicate causation and impose the fine in cases where it believes the false alarm is caused by a failure of the Company's services. Chapter 364, Florida Statutes assigns to this Commission exclusive jurisdiction over telecommunications services. Such jurisdiction may not be delegated. The authority to determine whether the Company is at fault for false alarms rests exclusively with this Commission. Accordingly, we decline to allow MDPD to determine the responsibility of Southern Bell for false alarms. Moreover, a complaint regarding false alarms would necessarily entail a factual determination. This necessitates that we treat such complaints on a case by case basis. Accordingly, we find that no action should be taken in this docket and that this docket should be closed.

DOCUMENT NUMBER-DATE

00116 JAN-5 94

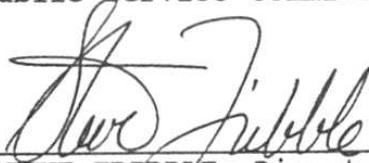
FPSC-RECORDS/REPORTING

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no action be taken in this docket. It is further

ORDERED that this docket be and the same is hereby closed.

By ORDER of the Florida Public Service Commission, this 5th day of January, 1994.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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.