

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 940216-TL
tariff filing to delete charges) ORDER NO. PSC-94-1185-FOF-TL
for local directories furnished) ISSUED: September 28, 1994
to customers outside the)
requested directory serving area)
by GTE FLORIDA INCORPORATED (T-)
94-077 FILED 2/9/94))

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER DENYING TARIFF FILING

BY THE COMMISSION:

On February 9, 1994 GTE Florida Incorporated (GTE or the Company) filed a proposed tariff to delete rates for directories furnished to customers not served by the requested directory serving area. Such directories are called "foreign", as opposed to "local" directories which are furnished to customers located within the requested directory serving area. The rates currently charged for the directories can be found in section A6 of GTE's General Services Tariff.

Rule 25-4.040, Florida Administrative Code, addresses access and availability of directories. We believe the rule requires that the rates for both local and foreign directories shall be published in tariffs, which gives customers the ability to ascertain the current rates. We also believe that this insures that an adequate number of directories will be available for both local and foreign customers. Accordingly, if GTE refiles a tariff which includes a price list for both local and foreign directories there should be no conflict with the rule.

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Upon consideration, we find that the proposed tariff shall be denied as filed. However, if GTE files a new tariff which lists prices for all directories, and is otherwise consistent with Commission rules, then such tariff should be approved without further review by the Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff to delete charges for local directories furnished to customers outside the requested serving area, filed by GTE Florida Incorporated, is hereby denied. It is further

ORDERED that if GTE files a tariff listing the prices for all directories which conforms to Commission rules, including Rule 25-4.040, Florida Administrative Code, such tariff shall be approved without further Commission review. It is further

ORDERED that if a protest is filed in accordance with the requirements 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 requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 28th day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

WEW

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 19, 1994.

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

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.