

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 941217-TI
tariff filing to offer an XTRA) ORDER NO. PSC-95-0021-POF-TI
Special Discount Plan by AT&T) ISSUED: January 6, 1995
COMMUNICATIONS OF THE SOUTHERN)
STATES, INC. (T-94-602 FILED)
11/9/94))
_____)

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 APPROVING TARIFF
AND
NOTICE OF PROPOSED AGENCY ACTION
ORDER ON SHORTENED NOTICE PERIOD

BY THE COMMISSION:

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

I. BACKGROUND

AT&T Communications of the Southern States, Inc. (ATT-C) is proposing to offer an additional discount to customers enrolled in ATT-C's LDMTS Basic Schedule Discount Plan. The LDMTS Basic Schedule Discount Plan provides discounts of 10%, 20% and 30% based on the customer's level of usage. The XTRA Special Discount Plan would, on certain days, offer a 40% discount to customers enrolled in the LDMTS Basic Discount Plan in lieu of the plan's specified discounts. Customers must have a minimum combined monthly usage of \$10 for the applicable month in which the calls are made in order to receive the XTRA Special Discount. ATT-C will, in advance, advertise the selected day for which the XTRA Special Discount will apply. ATT-C is filing the XTRA Special Discount Plan as a permanent offering.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The plan description, rates, and discount are contained in the proposed tariff. However, the days on which the discounts will apply are not specified. ATT-C has filed a similar tariff with the FCC. For the FCC, ATT-C will provide notice five days in advance of the discount day. Normal tariff filing dates for the FCC for ATT-C require 45 days' notice.

Our general approach to whether a tariff is appropriate is if a customer, taking the usage and reading the tariff, can calculate his/her bill. With a five-day minimum notice, the tariff will contain the dates of the applicable discount days to date. Therefore, the customer will be able to calculate his/her current bill for usage already made. The tariff will not display a schedule for any future dates. In this case, ATT-C essentially is requesting a waiver of the 30 days' notice requirement contained in section 25-24.485(2)(b), Florida Administrative Code. Like the FCC filing, ATT-C's service description, rates, and discount will be in the tariff; it is only the dates of those discount days which are unknown with this initial filing.

II. XTRA SPECIAL DISCOUNT PLAN

ATT-C is seeking approval of the XTRA Special Discount Plan as it applies to the LDMTS Basic Schedule Discount Plan. The tariff on file at the Commission currently has the complete name, service description, and rates that apply to the LDMTS Basic Schedule Discount Plan. This filing involves a decrease in rates, not a restructure of the rates already on file. ATT-C has provided, in its proposed tariff pages, a notice that tariff indicating the discount day will be filed at least five days before the discount will go into effect. The XTRA Special Discount Plan benefits customers by offering reduced rates. Therefore, upon consideration, we approve the tariff with an effective date of December 8, 1994.

III. WAIVER OF RULE

ATT-C has proposed that it give five days' notice to this Commission on what the exact date, of the previously filed discount plan, will be. We believe this as a good opportunity to test whether we can process a very simple tariff in this shortened time frame. However, to ensure efficient processing, the discount day notice shall contain a statement at the beginning in bold script saying: "Five Day Notice - Tariff Reduction." Upon consideration, we waive Rule 25-24.485 (2)(b), Florida Administrative Code, to allow ATT-C to offer the XTRA Special Discount Plan by filing discount day notices 5 days in advance.

IV. SHORTENED NOTICE PERIOD FOR ALL IXCS

Upon consideration, we find that all IXCs shall have an opportunity to seek consideration of short-notice tariffs to become effective five days after receipt, if the tariffs meet the following criteria:

- a) The tariff change involves a decrease in prices.
- b) There is no restructure of the rates.
- c) The Commission already has on file the tariff containing the service name, description, and the actual rates/discount that will apply on the discount day(s).
- d) There must be language in the tariff which states that five days' notice will be given to the Commission prior to the actual date(s) of the discount.
- e) The cover letter for the 5 day notice contains a statement at the beginning in bold script saying: "Five Day Notice - Tariff Reduction."

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff to offer the XTRA Special Discount Plan, filed by AT&T Communications of the Southern States, Inc., is hereby approved with an effective date of December 8, 1994. It is further

ORDERED that the 30 day notice requirement contained in Section 25-24.485, Florida Administrative Code, is hereby waived to enable AT&T Communications of the Southern States, Inc. to offer the XTRA Special Discount Plan by filing discount day notices 5 days in advance. It is further

ORDERED that if a protest of ATT-C's tariff 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

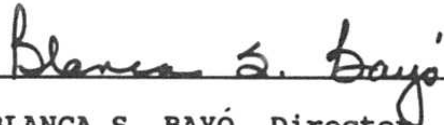
ORDERED that all IXC filings for short-notice tariffs, to become effective 5 days after receipt of notice, shall be considered if the filings meet the criteria specified in the body of this order. It is further

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ORDERED that Section IV of this Order shall become final and effective unless an appropriate petition is filed in accordance with the requirements set forth below. It is further

ORDERED that in the event this Order becomes final, this docket should be closed.

By ORDER of the Florida Public Service Commission, this 6th day of January, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.

As identified in the body of this Order, our action in Section IV of this Order 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)