

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Comprehensive review of ) DOCKET NO. 920260-TL  
the revenue requirements and ) ORDER NO. PSC-95-0223-FOF-TL  
rate stabilization plan of ) ISSUED: February 20, 1995  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
JOE GARCIA  
JULIA L. JOHNSON

ORDER GRANTING MOTION TO WITHDRAW PROTEST

BY THE COMMISSION:

This docket was initiated by Order No. 25552 to conduct a full revenue requirements analysis and to evaluate the Rate Stabilization Plan under which BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) had been operating since 1988. By Order No. PSC-94-0172-FOF-TL the Commission approved a Stipulation and Agreement Between OPC and Southern Bell and an Implementation Agreement for Portions of the Unspecified Rate Reductions in Stipulation and Agreement Between OPC and Southern Bell (hereinafter collectively the Settlement). The terms of the Settlement require, among other things, that rate reductions be made to certain of Southern Bell's services. Some of the reductions specified particular services. Other scheduled reductions were unspecified, and interested parties were allowed to submit their own proposals for disposition of the monies.

Pursuant to the terms of the Settlement, on March 1, 1994, Southern Bell submitted its proposal to reduce its rates by \$10 million, effective July 1, 1994. Its filing contained a primary and an alternative proposal. Three local chapters of the Communications Workers of America (CWA), as well as McCaw Communications, Inc., submitted proposals as well. By Order No. PSC-94-0669-FOF-TL the Commission proposed to implement reductions as follows: 1) approximately \$7 million to be used to fund Southern Bell's required flow through of switched access reductions to mobile interconnection rates, and 2) the remaining \$3 million to

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be used to eliminate Billed Number Screening Charges to end users and to reduce DID trunk termination charges.

This matter was set for hearing when the Communications Workers of America filed a protest to Order No. PSC-94-0669-FOF-TL. On June 27, 1994, CWA filed a Notice of Appeal of Order No. PSC-94-0669-FOF-TL with the Florida Supreme Court. The Florida Public Service Commission filed a Motion to Dismiss the appeal as premature. On August 25, 1994, the Florida Supreme Court granted the motion and dismissed CWA's appeal.

On January, 30, 1995, CWA filed a Notice of and Motion for Withdrawal of Petition for Hearing on Proposed Agency Action. The pleading states: "The parties have entered into a settlement agreement. As part of that agreement Petitioners (CWA) agreed to withdraw their currently pending Petition on Proposed Agency Action arising out of the unspecified \$10 million rate reduction pursuant to Commission Order No. PSC-94-0669-FOF-TL." The pleading further states: "Petitioners hereby give notice of and move for the withdrawal with prejudice..." of their protest. Having reviewed the motion, we find that it should be and is hereby granted. The protest having been withdrawn, Order No. PSC-94-0669-FOF-TL is now final and effective.

On July 1, 1994, Southern Bell filed a Motion to Dismiss the Communication Workers of America's Petition on Proposed Agency Action for Formal Hearing. Southern Bell alleged that CWA's Petition did not adequately state a substantial interest. Southern Bell filed a Renewal of its Motion to Dismiss the Communications Workers of America's Petition after CWA filed its Prehearing Statement.

CWA's withdrawal of its protest renders Southern Bell's requests moot. Therefore, Southern Bell's Motion to Dismiss the Communication Workers of America's Petition on Proposed Agency Action and Southern Bell's Renewal of its Motion to Dismiss the Communications Workers of America's Petition are denied as moot.

On August 26, 1994, Southern Bell filed a Motion to Strike Portions of the CWA's Response in Opposition to Southern Bell's Renewal of its Motion to Dismiss. Southern Bell alleged that CWA's pleading contains "scandalous material".

CWA's withdrawal of its protest renders Southern Bell's request moot. Therefore, Southern Bell's Motion to Strike Portions of the CWA's Response in Opposition to Southern Bell's Renewal of its Motion to Dismiss is denied as moot.

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The Settlement requires a series of rate reductions. The next reduction is scheduled to be effective October 1, 1995. Therefore, the docket shall remain open to continue implementation of the Settlement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that CWA's Notice of and Motion for Withdrawal of Petition for Hearing on Proposed Agency Action is granted. It is further

ORDERED that Order No. PSC-94-0669-FOF-TL is now final and effective. It is further

ORDERED that Southern Bell Telephone and Telegraph Company's Motion to Dismiss the Communication Workers of America's Petition on Proposed Agency Action and Southern Bell's Renewal of its Motion to Dismiss the Communications Workers of America's Petition are denied as moot. It is further

ORDERED that Southern Bell's Motion to Strike Portions of the CWA's Response in Opposition to Southern Bell's Renewal of its Motion to Dismiss is denied as moot. It is further

ORDERED that this docket shall remain open to continue implementation of the Settlement.

By ORDER of the Florida Public Service Commission, this 20th day of February, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Hegan  
Chief, Bureau of Records

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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 and/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 after the issuance 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.