

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Motion for clarification) DOCKET NO. 941185-TL
or waiver of) ORDER NO. PSC-95-0228-FOF-TL
Rule 25-4.110(10)(a), F.A.C., in) ISSUED: February 20, 1995
relation to provision of N11)
service, by UNITED TELEPHONE)
COMPANY OF FLORIDA.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TARIFF AND GRANTING EXEMPTION
TO RULE 25-4.110(10)(A), FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

United Telephone Company of Florida (United or the Company) filed proposed revisions to its General Exchange Tariff on November 16, 1994. The purpose of this filing is to introduce N11 Service to United's customers in Florida.

N11 Service is a local pay-per-call service similar to 976 Service, but accessed via 211, 311, 511, 711 or 811. The Commission has approved its use by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). See Order No. PSC-93-1620-FOF-TL, issued November 4, 1993, and Order No. PSC-94-0240-FOF-TL, issued March 3, 1994, in Docket No. 920962-TL. The Commission was concerned when it approved N11 Service for Southern Bell in Orlando that customer confusion might arise if United did not offer a similar product because the Orlando local calling area is split between Southern Bell's and United's territories. However, we did not mandate that United file a tariff at that time.

United has now proposed to offer N11 Service in the following cities:

Tier 1 Winter Park, Fort Myers
Tier 2 Ocala, Naples, Leesburg

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Tier 3 Kissimmee, Port Charlotte
Tier 4 Sebring, Beverly Hills, Orange City

According to the Company, tiers are based on calling scope. We note that Winter Park is part of the Orlando local calling area where Southern Bell already offers N11 Service.

United plans to offer N11 Service under similar terms and conditions as Southern Bell's offering. Potential N11 providers will be able to apply for an N11 number in each local calling area. If more applications are received than numbers available, a lottery will be held to distribute the numbers.

This approach is also similar to Southern Bell's, with one notable exception. United plans to honor the previous lottery held by Southern Bell in the Orlando local calling area. United will offer the Orlando N11 providers the option of subscribing to the same N11 number in Winter Park, which is United's portion of the Orlando local calling area. If any of the Orlando N11 providers do not subscribe to United's service, the remaining numbers will be distributed in the normal fashion.

The Company expects approximately \$240,000 in gross revenues per year from the service. However, since this service is still in its infancy, the Company's projections of costs and revenues will probably not be accurate. We believe that United's estimates of costs and revenues for N11 Service appear to be reasonable estimates under the circumstances.

We believe this tariff is appropriate. It will provide the Orlando area with an opportunity to have ubiquitous N11 services, and United's other territories will also enjoy the availability of the service. Also, because it is proposed under essentially the same terms and conditions as Southern Bell's approved offering, potential N11 providers will be familiar with the structure of United's tariff. For these reasons, we find that the tariff shall be approved as filed.

Rule 25-4.110(10)(a), F.A.C. requires pay-per-call bills to contain the heading "Pay Per Call (900 or 976) nonregulated charges." This rule does not contemplate pay-per-call services other than 900 or 976.

The Commission granted an exemption to Southern Bell, allowing it to strike the words "900 or 976" from its bill's headings. United seeks a similar exemption for rendering bills for N11 Service. We believe this request is appropriate and should be approved. Therefore, United's Motion for Clarification of Rule 25-

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4.110(10)(a), or Alternatively for Waiver of this Rule is granted. United shall be exempt from the requirement that the words "900 or 976" appear on its bills for N11 services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed tariff filing introducing N11 Service by United Telephone Company of Florida is hereby approved, effective January 31, 1995. It is further

ORDERED that United's Motion for Clarification of Rule 25-4.110(10)(a), or Alternatively for Waiver of this Rule is granted. 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 20th day of February, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Selvan
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.

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 March 13, 1995.

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.