

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of) DOCKET NO. 940880-TP
statewide average message toll) ORDER NO. PSC-95-1244-FOF-TP
service rates of interexchange) ISSUED: October 10, 1995
carriers and local exchange)
companies.)
_____)

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 CLOSING DOCKET

BY THE COMMISSION:

This docket was initiated by our directive for staff to investigate the deaveraging of MTS toll rates for interexchange carriers (IXCs) and local exchange companies (LECs). The impetus for the directive was a series of tariff filings by AT&T Communications of the Southern States, Inc. (ATT-C) requesting approval to offer market trials, which proposed reduced rates to residential customers in certain areas of the state. The first market trial, filed by ATT-C on July 6, 1994 in Docket No. 940722-TI, proposed to match BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's (Southern Bell) MTS rates in the Southeast LATA (local access and transport area) only, for residential customers who dialed 10288 1+ for intraLATA calls. We denied the proposed tariff because of ATT-C's statewide average rate requirement. We were concerned that deviating from this requirement might constitute an important policy change; thus, we directed our staff to investigate the statewide average rate requirement on ATT-C and the possible implications of changing the requirement.

ATT-C proposed a second market trial tariff to reduce rates for 10288 1+ intraLATA calls to all residential customers throughout Southern Bell's service territory. We denied ATT-C's proposed tariff, stating that it would be premature to approve it in light of our investigation. See Order No. PSC-94-1317-FOF-TI, issued October 26, 1994.

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FPSC-RECORDS/REPORTING

At the December 20, 1994 agenda conference, we set the matter for hearing. Hearings in this docket were originally scheduled for August 28, and August 30 through September 1, 1995. On May 8, 1995, the Florida Interexchange Carriers Association filed a Motion to Extend the Procedural Dates, stating that the Florida Legislature was preparing legislation that could make the consideration of many of the issues in this docket unnecessary. By Order PSC-95-0581-PCO-TP, issued May 10, 1995, the Prehearing Officer granted an extension of the due dates for direct testimony, rebuttal testimony, and prehearing statements.

On June 17, 1995, Senate Bill 1554 became law without the Governor's signature. Some provisions of the bill are directly related to the issues in this docket. As a result, the procedural schedule in this case was suspended pending an evaluation of the appropriate disposition of this docket. See Order No. PSC-95-0791-PCO-TP.

Our staff held a workshop on August 9, 1995 to discuss the effects of the revisions to Chapter 364, Florida Statutes, on the issues that had been previously identified. Everyone agreed that the issues pertaining to the LECs were resolved by the new legislation. First, Section 364.338, Florida Statutes, regarding LEC competitive services, was repealed. Second, those LECs who opt for price regulation on or after January 1, 1996, are afforded significant pricing flexibility, including rate deaveraging for toll and other non-basic services.

However, Chapter 364, as amended, does not specifically address deaveraging issues relating to the IXCs. Accordingly, the focus of the workshop centered on determining how and to what extent the IXCs should be able to deaverage their MTS rates. The parties preferred that we consider this issue on a case-by-case basis when an IXC files a proposed tariff. The parties stipulated that further proceedings in this docket should not be held and that this docket should be closed.

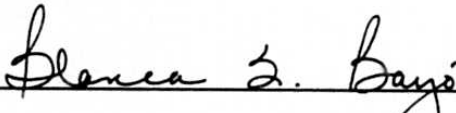
Upon review, we find that this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket shall be closed as discussed within the body of this Order.

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By ORDER of the Florida Public Service Commission, this 10th
day of October, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.