

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition To Initiate) DOCKET NO. 951191-TP
Rulemaking Regarding Rule 25-) ORDER NO. PSC-96-0253-FOF-TP
24.620(2)(c) and (d), F.A.C., By) ISSUED: February 22, 1996
Atlantic Telephone)
_____)

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 DENYING PETITION FOR RULEMAKING

BY THE COMMISSION:

BACKGROUND

Atlantic Telephone Company, Inc. (Atlantic) has held a certificate to provide interexchange carrier services in Florida since January 3, 1992 (Certificate No. 2697). Atlantic has its own switch and provides many telecommunications services to hotels and motels such as interconnect, operator and long distance services. Thus, Atlantic is an operator services provider serving a call aggregator (motel) under contract.

On October 6, 1995, Mr. Gary Bender, Telecommunications Specialist with Atlantic, filed a Petition to Initiate Rulemaking. Presently Rule 25-24.620(2) Florida Administrative Code requires operator service providers to allow access to the local operator at no charge and to place this same requirement on the call aggregators (motels) they serve through their tariffs and/or contracts. The reason we made a rule requiring 0- to go to the local exchange provider's operator at no charge is so that motel guests would always be assured of having access to a live operator in the event of an emergency and for line verification. The local exchange provider's operator is the only one that can perform busy line verification or break in on a line for emergency purposes. Mr. Bender's petition asks that a rule be initiated which would allow 0- calls to go to the presubscribed long distance company operator that the motel has chosen.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Before Mr. Bender filed the petition, he wrote a letter of complaint to Staff on September 14, 1995. Mr. Bender's complaint was that a motel for which his company provided service (Beau Rivage Beach Motel) was having a problem with guests being able to bill calls back to the motel after they accessed the LEC operator. Mr. Bender complained that when a call was placed to the LEC operator (Southern Bell), no identifiers were passed to the operator with the call indicating it was from a motel; therefore, guests were able to place fraudulent calls by billing them back to the motel. The motel might not receive the bill until weeks after the guests had checked out.

On October 31, 1995, Staff advised Mr. Bender of the availability of a recent tariff filing by Southern Bell which would provide operator screening on his PBX trunks (General Subscriber Services Tariff A13.67). This tariff offers six blocking and screening options. It also provides central office blocking of selected outgoing calls and screening to the operator to prevent operator assisted sent-paid calls from being billed to the originating line. Staff also asked a representative of Southern Bell to contact Mr. Bender to explore whether this tariff would resolve the problem at the Beau Rivage Beach Motel. On November 21, 1995, Staff wrote Mr. Bender to advise him of the options available to the Beau Rivage Beach Motel. It is Staff's opinion that the tariff provision of Southern Bell adequately meets the needs of the Beau Rivage Beach Motel. In conversation with Mr. Bender on January 17, 1996, he acknowledged that subscribing to operator screening would solve the problem, but felt the cost was too much for a small motel to pay. It would cost the Beau Rivage Beach Motel a one time secondary service ordering charge of \$19.00 plus \$3.30 per month per line to subscribe under GSST A13.67 or a total of \$9.90 per month for the motel's three lines.

DISCUSSION

We decline to amend Rule 25-24.620 to allow 0-calls to go to a call aggregator's (motel) presubscribed long-distance operator rather than the local exchange provider's operator.

As explained above, General Subscriber Services Tariff A13.67 appropriately resolves the problem which is the subject of Atlantic's petition, whereas the rule amendment sought by Atlantic is not, in our view, in the public interest.

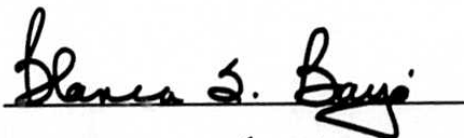
In view of the above, it is

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ORDERED by the Florida Public Service Commission that Atlantic Telephone Company, Inc.'s petition for rulemaking is denied. It is further

ORDERED that this docket be closed.

BY ORDER of the Florida Public Service Commission this 22nd day of February, 1996.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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 or sewer 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.