

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination of) DOCKET NO. 960402-TL
appropriateness of tariff filing) ORDER NO. PSC-96-0618-FOF-TL
by GTE Florida Incorporated) ISSUED: May 8, 1996
which changes application of)
access line rates for bulletin)
board information providers (T-)
96-026 filed 1/17/96).)
_____)

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER TO DELETE PROVISIONS OF TARIFF

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein 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.

On January 17, 1996, GTE Florida, Inc. (GTEFL) filed a tariff which changes its regulations regarding how rates of Bulletin Board Service (BBS) providers, located at a residence, will be determined.

GTEFL asserts that the growing use of personal computers has increased the number of access lines demanded in residential settings. Since Bulletin Board Service (BBS) providers can operate in a residential setting as a business or for recreation, the Company wants to implement a standard decision making process for its service representatives to determine whether the BBS provider should be classified as a business or residential user when the customer orders a certain number of lines for local access service.

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The Company's tariff sets a specific number of local access lines at a residential location as the classification determinant. The tariff states that six or more lines to one location providing BBS shall constitute a business location and five or less shall be considered a residential location. Therefore, if a BBS provider at a residential location subscribes to six or more access lines, then GTEFL automatically determines that the BBS provider is operating as a business, and all lines will be charged business rates. GTEFL asserts that this tariff will provide a simple, clear and consistent determination of local line rates for each BBS customer.

Upon consideration, we find this classification process is inappropriate. The determination of the rate to be charged should not be based on an arbitrary number of access lines, but should be based on how the lines are being utilized. Further, a residential customer should not be assigned a business class of service based solely on the number of access lines used at the his or her residence. We denied a similar tariff filed by Central Telephone Company of Florida (CENTEL) and United Telephone Company of Florida (UNITED) at the October 10, 1995 agenda conference. See Dockets Nos. 951138-TL and 951139-TL. CENTEL and UNITED proposed to charge business rates to a residential customer who subscribes to six or more basic access lines.

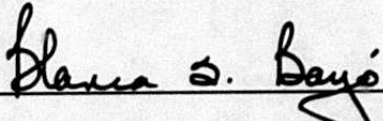
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated shall eliminate the classification process outlined in the body of this Order from its General Services Tariff within ten (10) days of the date this Order becomes final. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 8th
day of May, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

Dissent

Commissioner Garcia dissented from the Commission's decision.

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 action proposed herein 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) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 29, 1996.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective on the date described above, any party substantially 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 effective date 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.