

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for partial) DOCKET NO. 970075-TI
waiver of Rule 25-4.113(4),) ORDER NO. PSC-97-0477-FOF-TI
F.A.C., by AT&T Communications) ISSUED: April 25, 1997
of the Southern States, Inc., in)
order to allow it to offer)
combined billing service to)
customers upon request.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING REQUEST FOR PARTIAL
RULE WAIVER

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.

AT&T Communications of the Southern States, Inc. (AT&T or the Company) filed a petition for partial waiver of Rule 25-4.113(4)(e), Florida Administrative Code, which prohibits refusal or discontinuance of service to a customer who fails to pay for a service rendered by the company which is not regulated by the Commission. The Petition for Waiver was filed January 15, 1997, the Notice was submitted to the Secretary of State for publication in the Florida Administrative Weekly January 29, 1997. No comments were submitted during the comment period which ended March 10, 1997.

AT&T wants to offer the option of combining its bills for services to customers who subscribes to its long distance and wireless services. If the customer elects combined billing and fails to pay the entire balance, the company wants the option to terminate both the long distance and the wireless service. Any payment received under this billing method would be applied to the entire balance, so failure to pay the balance of a combined bill

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when due would render the account delinquent. AT&T would terminate the services for non-payment even if the customer pays a portion of the bill which would have covered the cost of one of the services.

The combined billing method would be made available to customers who are directly billed by AT&T and AT&T would bill and collect wireless service charges on behalf of AT&T Wireless. Customers who elect combined billing would receive one monthly statement for both services, but each service would be separately itemized. The combined billing would be offered at no additional charge to the customer. AT&T stated that a customer wishing to return to separate bills could do so and the company would process the request immediately. Whether or not the customer receives separate bills by the next billing cycle would depend on when the request was made. Existing balances would not be transferred to the separate bills but new usages would be billed separately.

A customer whose services are terminated for non-payment of a combined bill may request to have either the long distance or the wireless service reinstated. AT&T, however, wants to reserve the right to determine on a case-by-case basis when a service should be reinstated after its review of the customer's payment history, ability to pay, and the feasibility of payment terms that are acceptable to both AT&T and the customer.

Upon review, we find it reasonable to approve AT&T's request for a partial waiver of Rule 25-4.113(4), Florida Administrative Code. AT&T may discontinue long distance service to customers who fail to pay the balance due on a combined bill. AT&T must notify customers, prior to their selection of combined billing, that it is purely an option.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that AT&T's request for a partial waiver of Rule 25-4.113(4), is approved. AT&T is further ordered to notify its customers, prior to their selection of combined billing, that combined billing is purely an option to separate billing. 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 25th,
day of April, 1997.

A handwritten signature in cursive script, reading "Blanca S. Bayo", is written over a solid horizontal line.

BLANCA S. BAYO, 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 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 16, 1997.

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.