

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Flow-through of 1998 LEC
switched access reductions by
IXCs, pursuant to Section
364.163(6), F.S.

DOCKET NO. 980459-TP
ORDER NO. PSC-99-1168-FOF-TP
ISSUED: June 7, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER RESOLVING SHOW CAUSE AND CLOSING DOCKET

BY THE COMMISSION:

During the 1998 Legislative Session, the House and the Senate passed revisions to Section 364.163(6), Florida Statutes, including one that modified existing requirements for switched access rate reductions and the flow-through of those reductions to customers.

By Order No. PSC-98-0795-FOF-TP, issued June 8, 1998, the Commission ordered the access rate reductions and flow-throughs consistent with the revisions to Section 364.163, Florida Statutes. No protests to the order were filed. Thereafter, GTE Florida Incorporated and Sprint-Florida, Incorporated reduced their intrastate switched access rates by a total of approximately \$18 million, annualized, effective July 1, 1998. Their intrastate switched access rate reductions effective October 1, 1998, totaled approximately \$34 million on an annualized basis. The total, annualized effect of the 1998 intrastate switched access reduction was approximately \$52 million.

By Order No. PSC-99-0666-SC-TP, issued April 6, 1999, Utilicore Corporation (Utilicore) was ordered to show cause why it should not be fined for failure to comply with our access rate and flow-through reduction order. By letter dated April 7, 1999, Utilicore responded that it is a reseller of telecommunications

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services and does not purchase any switched access. Thus, Utilicore was not required to flow through switched access charge reductions. In addition, Utilicore's response explained that key people responsible for responding to the Commission in this matter have resigned or been terminated. Further, Utilicore stated that it has every intention of complying with Commission orders and requested that it not be fined for its failure to address the flow-through issue.

We find that the key personnel resignations and terminations made Utilicore vulnerable, for a brief period of time, to being unresponsive to our requests for information. Further, Utilicore ceased providing telecommunications services on February 15, 1999. In addition, it did not purchase any switched access; therefore, no reduction was required to be passed on to customers.

Accordingly, we find it appropriate not to fine or otherwise penalize Utilicore for its failure to timely respond to Order No. PSC-98-0795-FOF-TP. In addition, all affected companies have now complied with the provisions of Order No. PSC-98-0795-FOF-TP. Therefore, this docket may now be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no further action shall be taken against Utilicore Corporation. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 7th
day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CB

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 after the issuance 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.