

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for waiver of requirements of Order Nos. 12765 and 13476 to permit use of "FCC authorized charge for network access" on customer bills, by BellSouth Telecommunications, Inc.	DOCKET NO. 040714-TL ORDER NO. PSC-04-0956-PAA-TL ISSUED: September 30, 2004
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING PETITION FOR 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.

On December 9, 1983, this Commission issued Order No. 12765, wherein we required that all bills to customers refer to the interstate end user charge as the "FCC charge for interstate toll access." Subsequently, on July 3, 1984, this Commission issued Order No. 13476, which provided several alternatives that could be used: (1) "FCC interstate toll access charge;" (2) "FCC interstate (L)ong (D)istance access charge;" and (3) "FCC/toll access."

On July 9, 2004, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Waiver of Order Nos. 12765 and 13476 to permit it to use the phrase "FCC authorized charge for network access" in its bills, instead of the other descriptions of the interstate end user charge that have been previously approved by the Commission.

Over the past year, BellSouth has determined, through discussions with our staff and concerned consumers, that changing the way it currently describes the end user charge will ultimately prove less confusing for customers. BellSouth believes that the requested modified description will alleviate concerns that customers believe the charge is either required by the FCC or is actually remitted to the FCC.

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BellSouth explains that since 1998, it has used the phrase "FCC charge for network access." However, concerns were raised during the past year by concerned consumers that this phrase might lead customers to believe that either the identified charge is actually required by the FCC, or is remitted to the FCC -- neither of which is the case. After extensive discussions about an appropriate alternative, BellSouth believes that the phrase "FCC authorized charge for network access" is an appropriate alternative.

We note this is not the first request for a waiver of these Orders. In 1993, we granted waivers to Centel, United, (now Sprint-Florida) and GTE Florida (now Verizon) to allow them to use other variations of the approved phrases.¹ In two of the three instances, the reason cited for the waiver was to reduce customer confusion.

Upon consideration, we agree that the phrase proposed by BellSouth in this case is appropriate and less likely to promote customer confusion. Thus, we hereby grant BellSouth a limited waiver of Orders Nos. 12765 and 13476 to allow it to use the phrase "FCC authorized charge for network access" in its bills. The limited waiver still fulfills the purpose of the underlying Orders, which was to inform customers about the charge.

It is therefore

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. is hereby granted a limited waiver of Orders Nos. 12765 and 13476, allowing it to use the phrase "FCC authorized charge for network access" in its bills. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

¹ See Orders Nos. PSC-93-0154-FOF-TL; PSC-93-0445-FOF-TL; and PSC-93-0583-FOF-TL.

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By ORDER of the Florida Public Service Commission this 30th day of September, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

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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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative

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Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 21, 2004.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.