

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceeding against	)	DOCKET NO. 910505-TL
the SOUTHERN BELL TELEPHONE AND	)	
TELEGRAPH COMPANY for failure to meet	)	ORDER NO. 24659
Commission Rules 25-4.110(2) and	)	
25-4.073(1)(b)	)	ISSUED: 6/11/91
_____)		

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

ORDER ESTABLISHING TWO INVESTIGATIONS INTO  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
COMPLIANCE WITH RULES 25-4.110(2) AND 25-4.073(1)(b),  
FLORIDA ADMINISTRATIVE CODE

BY THE COMMISSION:

I. Background

The most recent service evaluation of Southern Bell Telephone and Telegraph Company (Southern Bell or the Company), released March 29, 1991, was conducted from October 22 through December 14, 1990, in the Gainesville LATA. The results of the evaluation reveal that Southern Bell failed to meet the requirements of Rules 25-4.110 (2) and 25-4.073 (1)(b), Florida Administrative Code. This is the fourth time in seven evaluations since 1985 that the Company has failed to comply with Rule 25-4.110(2), and the second time in succession to fail to comply with Rule 25-4.073(1)(b).

II. Southern Bell's Failure to Comply with  
Rule 25-4.110(2), Florida Administrative Code

Rule 25-4.110(2), provides that the Company shall make refunds to subscribers for out of service periods in excess of 24 hours after notification to the Company. Review of the Company's records during service evaluations reflects instances in which service was out more than 24 hours, yet no rebate or credit was given to the affected subscribers. In each evaluation, we were assured that corrective action had been taken by the Company. However, the latest evaluation again shows a failure to provide rebates for out of service customers over 24 hours.

DOCUMENT NUMBER-DATE

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SC-RECORDS/REPORTING

ORDER NO. 24659  
DOCKET NO. 910505-TL  
PAGE 2

III. Southern Bell's Failure to Comply with  
Rule 25-4.073, Florida Administrative Code

Rule 25-4.073(1)(b), provides specific service criteria for the answer of phone calls made by customers to all the local exchange telephone companies. Specifically, the Rule states:

At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair services and eighty (80%) percent of all calls to business offices shall be answered within twenty (20) seconds after the start of the audible ring.

The percentages in this Rule are based on exchange level reporting as opposed to service center or statewide averaging. These answer time checks were performed during Company business hours except for the checks done on the payphones. Payphone checks are normally performed in the evening hours and on weekends.

Southern Bell has failed to comply with these Rule requirements one or more times in repair service or business offices in five of the last seven Commission evaluations dating back to 1985. The most recent evaluations conducted in 1989 in the Pompano Beach area and in 1990 in the Gainesville area show failures in each evaluation for repair service and the residential accounts business office. Only the business accounts' business office in Pompano Beach met the Rule's requirements.

This is particularly disturbing because Southern Bell recently implemented an automated answering system for repair service called Audichron Interactive Repair Ordering system (AIRO). Southern Bell petitioned this Commission for a waiver to Rule 25-4.073 (c), requiring calls to be answered within 20 seconds 90% of the time by a "live" representative. The Company subsequently stated that modifications made to the system enabled its compliance with Rule 25-4.073. Therefore, it was determined that a waiver of this Rule was unnecessary. However, in Order No. 22705, issued March 19, 1990, we stated:

However, if AIRO fails to meet the twenty-second answer time requirement in the future, Southern Bell is required to terminate its use until such modifications can be made to bring it into compliance. Our staff is directed to follow the performance of AIRO through regular service evaluations to monitor compliance with our standards. Any lack of compliance will accordingly be addressed through those procedures.

ORDER NO. 24659  
DOCKET NO. 910505-TL  
PAGE 3

We have advised Southern Bell several times in recent months that our random payphone evaluations, which are done by engineers on other assignments as they travel throughout the state, have shown the AIRO system to be deficient. The most recent service evaluations show the system to be totally inadequate with respect to the Rule's requirements. Repair service answer time in the 1989 evaluation registered 0% compliance. The 1990 report showed dramatic improvement with 84.3% compliance. However, this is still below the Rule's requirement of 90%.

#### IV. Two Investigations Initiated

Based on our recent evaluation results, the Company has failed to adequately address the deficiencies regarding Rule 25-4.073(1)(b). However, at our Agenda Conference on May 7, 1991, the Company indicated that it disputed our Staff's interpretation of Rule 25-4.073(1)(b). The Company argues that it presently is complying with the Rule, but that the Rule should be modified to clarify that a "live" operator is not required. In addition, subsequent evaluations reveal the continuing violations of Rule 25-4.110.

We find we require greater information regarding these Rule violations. For this reason, we do not find a show cause proceeding to be appropriate at this time. We find it appropriate at this time to initiate two investigations into the Company's compliance with these Rules. At the conclusion of these investigations, we will determine whether a fine is appropriate.

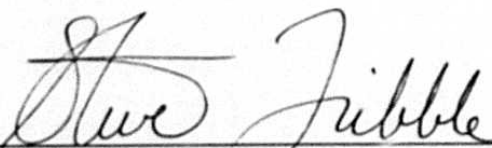
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that two new dockets shall be established to investigate Southern Bell Telephone and Telegraph Company's compliance with Rules 25-4.110 and 25-4.073(1)(b), Florida Administrative Code. It is further

ORDERED that this docket shall be closed.

ORDER NO. 24659  
DOCKET NO. 910505-TL  
PAGE 4

By ORDER of the Florida Public Service Commission, this 11th  
day of JUNE, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SFS

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