

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Clarification of Order No. 25112)	DOCKET NO. 911009-TP
pertaining to calls made from pay tele-)	ORDER NO. 25265
phones)	ISSUED: 10/29/91
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION
PERMITTING NEW OPERATOR SERVICE ELEMENT
IN PAYPHONE RATE CAP

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Earlier, AT&T Communications of the Southern States, Inc. (ATT-C) submitted a tariff filing to implement a \$.75 charge for certain Operator Assisted Station-to-Station and Person-to-Person calls where a customer has the capability to dial the number but instead elects to have the ATT-C operator dial the number. The charge does not apply to Calling Card calls, to individuals identified as handicapped and unable to dial the call, or in situations where there is defective equipment or technical difficulties. The charge is assessed in addition to other applicable charges for the type of operator service requested. By Order No. 25112, issued on September 24, 1991, the Commission approved ATT-C's tariff filing with an effective date of September 16, 1991.

Order No. 25112 does not specifically address the PATS rate cap issue. While previous Commission Orders provide guidance (when read along with Order No. 25112) the immediacy of current AOS tariff filings to implement the \$.75 operator charge requires that the PATS rate cap issue be resolved at this time.

DOCUMENT NUMBER-DATE

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Order No. 20489 provides that:

[A]ll AOS calls, except for those placed from nonLEC PATS telephones, shall be capped at the ATT-C time of day rate with applicable operator charges. As for AOS calls placed from nonLEC PATS instruments AOS providers shall be permitted to collect the nonLEC PATS rate cap as established in Docket No. 860723. That rate is the ATT-C daytime rate with applicable operator charges, plus \$1.00.

Thus, there are currently two different rate caps for AOS calls--one from nonLEC payphones, one from other AOS locations. The nonLEC payphones cap is currently the ATT-C daytime rate and the applicable operator charges plus \$1.00. However, in Docket No. 860723-TP, the Commission has approved a soon-to-be-implemented change in this rate to the ATT-C time-of-day rate with applicable operator charges plus \$.25. The AOS cap on non-PATS calls is the ATT-C time-of-day rate with applicable operator charges.

The cap for nonLEC payphones applies to all calls made from those instruments, whether they are rated and billed by the payphone provider (or his agent) or are handled by an operator services company. While it is true that no operator would be involved in calls handled by the payphone provider, when an AOS company handles a call made from a PATS instrument, an operator could be involved. In those circumstances, the rationale for allowing the \$.75 operator charge to be imposed for calls which do not originate via a PATS instrument appears to apply equally to those calls which access an ATT's or AOS operator via PATS instrument.

Therefore, we find that it is appropriate to permit PATS providers to include the \$.75 operator charge which was the subject of Order No. 25112---when applicable---in determining the PATS rate cap.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that the rate cap for PATS providers shall incorporate---when applicable---the \$.75 operator charge approved in Order No. 25112. It is further

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ORDERED that if no timely protest to this proposed agency action is received as set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of OCTOBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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 at his office at 101 East Gaines Street, Tallahassee,

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Florida 32399-0870, by the close of business on
11/19/91.

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 adversely 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.