

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to offer	)	DOCKET NO. 911110-TL
protocol conversion on a regulated	)	ORDER NO. 25444
basis by SOUTHERN BELL TELEPHONE AND	)	ISSUED: 12/9/91
TELEGRAPH COMPANY	)	
	)	

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

ORDER APPROVING TARIFF

BY THE COMMISSION:

CASE BACKGROUND

By Order No. 20828, issued March 1, 1989, in Docket No. 870766-TL, we determined that protocol conversion is, at least in part, an intrastate service subject to our jurisdiction. Accordingly, we ordered Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) to file tariff revisions to provide protocol conversion on a regulated intrastate basis. However, by Order No. 21447, we subsequently granted Southern Bell's motion for a stay the effect of Order No. 20828 until the Ninth Circuit Court of Appeals ruled on the Federal Communications Commission's (FCC's) authority to preempt state regulation of enhanced services. On June 6, 1990, the Ninth Circuit issued an order rejecting the FCC's preemption of enhanced services which include some forms of protocol conversion. By Order No. 24838, issued July 22, 1991, we lifted the stay of Order No. 20828, and required Southern Bell to file tariffs for its low level protocol conversion offerings no later than October 1, 1991.

DISCUSSION OF ISSUES

On October 1, 1991, Southern Bell filed a revision to its PulseLink Packet Switching Service proposing to offer low level intrastate protocol conversion. The current tariff offers Basic PulseLink service to data subscribers who do not require protocol conversion for their data communications. Enhanced PulseLink is

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currently offered on an unregulated basis through the Company's marketing affiliate, BellSouth Advanced Services (BSAN). This filing will add protocol conversion elements to the Basic PulseLink service.

Protocol conversion occurs when a customer's data communication originates using one protocol, such as a synchronous, and terminates using a different one, such as X.25 or X.75. If a data communication originates and terminates using the same protocols then no conversion occurs.

Southern Bell proposes to charge for protocol conversion by adding a surcharge to the PulseLink transport charge. Both charges are assessed per packet of data transported. The effect of the addition of this conversion surcharge is to bring the investment, revenues and expenses above the line. They are currently charged to BSAN, the unregulated affiliate.

BSAN currently does all the marketing for protocol conversion on PulseLink. Effective with approval of this filing, the regulated operations can market all intrastate protocol conversion. BSAN will continue to sell both intrastate and interstate protocol conversion as a Value Added Provider. But, customers will be able to order directly from Southern Bell, although customers who require both intrastate and interstate conversion may still order from BSAN.

Southern Bell has filed this tariff in compliance with Order No. 24838. We believe that this tariff is appropriate, and hereby approve it as filed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's filing to offer low level intrastate protocol conversion with its PulseLink tariff is approved, effective December 2, 1991. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

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ORDERED that if no protest is filed in accordance with the requirement set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 9th day of DECEMBER, 1991.

  
STEVE TRIBBLE Director  
Division of Records and Reporting

( S E A L )

PAK

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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, Florida 32399-0870, by the close of business on 12/30/91.

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By ORDER of the Florida Public Service Commission, this 9th day of DECEMBER, 1991.

  
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STEVE TRIBBLE Director  
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In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

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 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 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 of the date this Order becomes final, 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.