

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to) DOCKET NO. 911021-TL
obsolete subvoice grade service) ORDER NO. PSC-92-0350-FOF-TL
in the private line tariff and) ISSUED: 05/13/92
waive nonrecurring charges in)
certain circumstances by)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING TARIFF

BY THE COMMISSION:

I. Background

On December 26, 1991, the Commission issued Order No. 25544, in Docket No. 911021, which approved Southern Bell Telephone and Telegraph Company's (Southern Bell or the Company) tariff proposal to obsolete Subvoice Grade Service in its Private Line Tariff (T-91-546) and allowed customers to convert existing metallic-based services to voice grade service and waive any nonrecurring charges associated with the change. A subvoice grade circuit typically does not meet the transmission standards of a voicegrade circuit and is offered to those customers who have a metallic circuit or direct current (DC) continuity requirement for alarms or low speed data.

Southern Bell is obsoleting the subvoice service as it is replacing its older metallic-based facilities with fiber optics and multiplex systems that do not require metallic continuity to derive individual circuits. Southern Bell refers to this modernization plan as the Technological Displacement Program or TDAP. Recognizing that the TDAP would require subvoice grade customers to migrate to an alternate service, the Company stated that it had been waiving the nonrecurring charges for the alternate service. TDAP also provided for the notification of the customer six to seven months in advance to allow time for any required changes in

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the customer's equipment. The tariff change enhanced the notification and waiver by allowing the customer to change to an alternate service prior to TDAP.

Although the Commission approved the tariff, we expressed concern that Southern Bell had been waiving nonrecurring charges under TDAP without specific tariff authority. The Company stated that it was under the impression that the waiver authority was granted under the Private Line/Special Access restructure. The Commission was unaware of any approval. Hence, the Order directed the Company to provide the history, circumstances, number of customers affected, the dollar amount of nonrecurring charges that have been waived and to file additional tariff changes that are also affected.

The Company has filed the required information. The Company implemented TDAP in April 1991. There were 315 circuit transfers that received waivers at the time the Company's tariff was approved at the December 1991 agenda.

There is no information available to determine the amount of charges waived with the 315 circuits. While it is unlikely that all circuits were converted to Voicegrade service, the maximum amount of nonrecurring charges waived would total \$242,235.00. It appears that customers most likely transferred to automatic dialers or to WatchAlert service which would greatly reduce the amount of charges waived.

We conclude that Southern Bell's waiver of the nonrecurring charges was reasonable, however, we also find the Company was remiss in not requesting Commission approval prior to granting the waivers. We find that Southern Bell recognizes this and we conclude that no additional requirements will be placed on the Company.

II. Tariffs

The tariffs are appropriate and consistent with the requirements in Order No. 25544, Docket No. 911021, including the necessary language to incorporate the waiver. We approve Southern Bell's proposal to change its General Subscriber Service and Private Line Service tariffs to waive nonrecurring charges for customers with subvoice grade private lines and local data channels when metallic facilities are displaced with non-metallic facilities. The tariffs are approved as filed with an effective date of April 26, 1992.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's tariffs to obsolete subvoice grade service in the private line tariff and waive nonrecurring charges in certain circumstances are approved as filed with an effective date of April 26, 1992. It is further

ORDERED that if a timely protest is filed pursuant to the requirements set forth below, all increased revenues resulting from this filing shall be held subject to refund. It is further

ORDERED that if no protest is received within the time frame set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Hizon
Chief, Bureau of Records

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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 June 3, 1992.

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.