

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceedings ) DOCKET NO. 920215-TL  
against AT&T COMMUNICATIONS OF ) ORDER NO. PSC-92-0631-AS-TL  
THE SOUTHERN STATES, INC. for ) ISSUED: 07/07/92  
failure to comply with customer )  
notification provisions in )  
Order No. 25112. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACCEPTING SETTLEMENT OFFER

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.

AT&T Communications of the Southern States, Inc. (ATT-C or the Company) filed proposed revisions to its General Services Tariff on July 11, 1991. The revisions added a \$.75 surcharge on certain operator-dialed long distance calls. The Company's stated rationale for this charge was to repress demand for operator-dialed assistance.

By Order No. 25112, issued in Docket No. 910884-TI, we approved the Company's proposed tariff revisions with a caveat. We required the Company to inform all customers who requested operator dialing that there is a \$.75 charge and that it can be avoided if the customer dials the number. This requirement was to remain in place for 16 months following the September 16, 1991, effective date of the tariff.

Based upon our staff's data requests and periodic testing, it appears that the Company implemented the charge before the tariff went into effect and has not been able to attain substantial compliance with the required notification of the charge.

DOCUMENT NUMBER-DATE

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At the June 16, 1992, agenda conference, the Company and our staff presented a proposed settlement agreement, the terms of which follow:

1. ATT-C agrees to pay a \$30,000 penalty for early implementation of its tariff.
2. ATT-C and staff agree to retest ATT-C until September 15, 1992. The Company agrees that a sustained compliance figure of 85% will be achieved by the end of this period.
3. If the Company reaches 85% sustained compliance by September 15, 1992, this docket will be closed without further Commission action.
4. If the Company does not reach 85% sustained compliance by September 15, 1992, staff will monitor the results and return with a recommendation before the Commission for further action.
5. The 16-month notification period in Order No. 25112 will begin on September 15, 1992, if the Company has reached 85% sustained compliance.
6. The notification requirements of Order No. 25112 will be amended to allow the ATT-C operators to use language which will simply inform callers that they will save money by dialing the number themselves. If the operator is asked the amount, the operator will specify it.

Upon review, we approve the settlement proposal. The penalty shall be paid by ATT-C within 45 days of the issuance of this Order.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposal set forth in the body of this Order is approved. It is further

ORDERED that this docket shall remain open as set forth in the body of the Order.

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By ORDER of the Florida Public Service Commission, this 7th  
day of July, 1992.

  
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STEVIE 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, Florida 32399-0870, by the close of business on July 28, 1992.

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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.