

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of ) DOCKET NO. 920544-TL  
tariff filing to add language ) ORDER NO. PSC-92-0875-FOF-TL  
to the tariff to clarify that ) ISSUED: 08/25/92  
appropriate billing will occur )  
whenever the Company returns )  
answer supervision by BELLSOUTH )  
TELECOMMUNICATIONS, INC. d/b/a )  
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:

On April 29, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company) filed proposed revisions to its General Subscriber Service Tariff. The purpose of this filing was to specifically define "complete" and "incomplete" call attempts in light of recent technological introductions.

The Company has proposed to define an incomplete call attempt as follows:

Calls that are not completed due to insufficient answering capability. Call attempts are considered incomplete if the calling party receives a busy signal, a ring with no answer, or a recorded message stating network difficulty in completing the call, number changed, number invalid, number not in service, or number not assigned.

DOCUMENT NUMBER-DATE

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Southern Bell has proposed to define a completed call as one which includes one of the following conditions:

1. The called party responds by personally answering the call;
2. a customer controlled automatic answering device responds by answering the call;
3. a company recording, under the control of the called party, responds to the calling attempt (e.g., Call Block and Anonymous Call Rejection), excluding attempts defined as incomplete calls;
4. the calling attempt, when under the control of the called party (e.g., Call Forwarding Busy Line, Call Forwarding Don't Answer, etc.), is forwarded to another telephone number that results in one of the conditions described in 1, 2 or 3 above.

This tariff proposal is resultant of recent filings by the Company. Features such as Call Block and Anonymous Call Rejection have made it necessary for Southern Bell to explicitly identify which call attempts should be classified as "complete" or "incomplete." The company has proposed that in instances where the called party has subscribed to a LEC-provided intercept service such as Call Block or Anonymous Call Rejection, the call will be considered completed and the calling party will be liable for any charges associated with the call.

Customers presently can purchase equipment that answers, screens or rejects calls, or takes messages. These devices perform similar functions as Call Block, Anonymous Call Rejection, and voice mail. When calls are terminated to customer purchased equipment, they are completed calls because the called party's station goes off-hook and the attached device performs its task. Southern Bell maintains that if the same thing occurs through its network, the call should be considered completed also.

The impact upon customers will be dependent on any charges associated with the call attempt. If a local, nonchargeable call is routed to a Call Block intercept, there will be no impact. However, if the call was made from a pay telephone, or was a toll call, the calling party will have to pay any related charges for the call. This proposal will treat calls routed through Company-

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provided service the same as calls terminated to customer-provided equipment.

Public Counsel opposes this tariff, arguing that it is an attempt by the Company to charge for an uncompleted call. Public Counsel further argues that, contrary to the definition of "completed call" in this tariff, an end-user receives something of value when the call is terminated by an answering machine because the end-user is able to leave a message.

After reviewing this request, we find it appropriate to revise the Company's tariff as outlined above, notwithstanding Public Counsel's arguments in opposition to this proposal. Therefore, the proposed tariff revisions defining "complete" and "incomplete" call attempts by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company should be approved.

Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's tariff revisions to its General Subscriber Service Tariff are hereby approved to the extent outlined in the body of this order. It is further

ORDERED that if a protest is filed in accordance with the requirements 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

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

By ORDER of the Florida Public Service Commission this 25th day of August, 1992.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

by: Kay J. [Signature]  
Chief, Bureau of Records

PLT

Commissioners J. Terry Deason and Luis J. Lauredo separately dissented from the Commission's decision to approve this tariff filing. Commissioner Deason's dissent is as follows:

I respectfully dissent from the Commission's decision to approve the tariff submitted by Southern Bell. Virtually the identical tariff was rejected by this Commission in Order No. 25443, issued December 9, 1991 in Docket No. 911105-TI (Commissioner Clark dissenting). Therein, at page 2, the Commission stated:

While we find that it is appropriate that Southern Bell add specific language to its tariff to define completed calls and, the billing of completed calls, we do not approve the concept that a blocked call is a completed call.

(Emphasis added.)

While I recognize there is a slight difference in the instant tariff filing in that it also addresses calls blocked through Anonymous Call Rejection, I also note that Southern Bell has resubmitted the provision that calls blocked using Call Block are considered completed and billable calls. My concern is that this resubmitted portion of the tariff is not accompanied by any changed circumstance or justification that was not already considered by this Commission in its earlier vote. I firmly believe that Commission orders should have some aspect of finality that should not be disturbed absent compelling need, a significant change in circumstances, or a recognition that a change in policy is required.

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

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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 September 15, 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 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 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.