

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing ) DOCKET NO. 921192-TL  
to make changes to Percent ) ORDER NO. PSC-93-0008-FOF-TL  
Interstate Use (PIU) reporting ) ISSUED: 01/04/93  
provisions by BELLSOUTH TELECOM- )  
MUNICATIONS 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 SUSPENDING TARIFF

BY THE COMMISSION:

CASE BACKGROUND

By Order No. 12765, issued December 9, 1983, this Commission authorized the local exchange companies (LECs) to monitor and audit the Percent Interstate Use (PIU) of interexchange carriers' (IXCs') traffic, to ensure that access charges paid by the IXCs would be paid at the tariffed rate to the appropriate jurisdiction. PIU equals the percent of total toll traffic that is interstate. By Order No. 17879, issued July 20, 1987, the Commission again addressed PIU, requiring monthly reporting of PIU by the IXCs, requiring annual reports on audit procedures by the LECs, and requiring IXCs' records to be readily available. In order to further refine the reporting process, by Order No. 22743, issued March 28, 1990, the Commission authorized a more exact calculation for PIU and record retention methods.

On November 2, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed revisions to its Access Service Tariff proposing changes to the PIU reporting provisions with regard to quarterly jurisdictional reporting, maintenance of IXC records, verification audits, and contested audits. Southern Bell states that current tariff provisions allowing IXCs to maintain a quarterly PIU report indefinitely, with no schedule for updating, does not account for changes in traffic patterns, changes in service and introduction of new services. Southern Bell also believes that a more precise handling of audit results and contested audits is necessary.

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DISCUSSION OF ISSUES

Southern Bell's tariff proposal is nearly identical to one negotiated with several IXCs in Louisiana PIU workshops. BellSouth is attempting to parallel its tariffs filed for PIU in its eight other states and the FCC. The Company has proposed the following revisions:

1. Quarterly Report Updates

Current tariff provisions do not require IXCs to submit an updated quarterly jurisdictional report. Absent an updated report, the IXC's PIU will be maintained from either the most recent quarterly jurisdictional report submitted or the initial jurisdictional report provided with the request for access service. The Company maintains that allowing an IXC to maintain a constant quarterly PIU report indefinitely does not account for changes in traffic patterns, changes in service and introduction of new services offered by the IXC.

The proposed tariff would require the IXCs to report their PIU, on a quarterly basis, for Feature Group A (FGA), FGB, 700, 800, and 900 Access Services. Only end users of FGB would be so required to provide quarterly reports. FGD PIU can be monitored and audited by Southern Bell, thus no reporting is necessary for FGD. An IXC would also be required to provide a PIU when initially ordering FGD.

2. Call Detail Records Retention Shortened

Southern Bell's current tariff language relating to maintenance of IXC records for Switched Access states that call detail records shall be retained for a minimum of one year. After complaints from the IXCs that one year was a burdensome length of time to maintain records, Southern Bell proposes in this tariff filing a less stringent minimum of six months.

3. Contested Audit Procedure

When a PIU audit is conducted by an independent auditor selected by Southern Bell, the audit results are furnished to the IXC or end user. Based on discussions with certain IXCs, Southern Bell has proposed that an IXC or end user may contest the audit results within 30 calendar days. The proposed tariff also determines how the costs associated with arbitration between Southern Bell and the IXC or end user would be payable.

4. PIU Adjusted Based on Audit Results

The proposed tariff would allow Southern Bell to adjust the IXC or end user's PIU based on audit results for Switched Access. The PIU resulting from the audit would be applied to the test quarter of the audit, to all usage from initiation to completion of the audit, and to the usage for the two quarters following the completion of the audit. After that time, the IXC or end user may report a revised PIU. However, if the revised PIU represents a substantial deviation, five percentage points or more, from the audited PIU, and that deviation is not due to identifiable and acceptable reasons, Southern Bell may again audit the IXC or end user. If, as a result of an audit conducted by an independent auditor, an IXC or end user is found to have overstated the PIU by five percentage points or more, Southern Bell would require reimbursement from the IXC or end user for the cost of the audit.

We are concerned about this provision. If completion of an audit requires an extended period of time, the liability of the IXC could extend for several years. We believe that a compromise of the requirements of this provision may be warranted. We also believe that it would be appropriate for our staff to hold a workshop with Southern Bell and the IXCs for the purpose of resolving the issues presented by this tariff.

Accordingly, we hereby suspend Southern Bell's tariff as filed. Pending the results of the workshop, Southern Bell's PIU proposal shall be brought before the Commission no later than July 1, 1993.

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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 proposed tariff filing making changes to Percent Interstate Use reporting provisions is hereby suspended. It is further

ORDERED that our staff's analysis shall be completed, and this matter brought back before the Commission by July 1, 1993. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 4th day of January, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.