

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed filing to ) DOCKET NO. 921211-TL  
introduce changes in procedures ) ORDER NO. PSC-93-0237-FOF-TL  
for establishing special ) ISSUED: 02/15/93  
construction charges by SOUTHERN )  
BELL TELEPHONE AND TELEGRAPH )  
COMPANY. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA J. JOHNSON  
LUIS J. LAUREDO

ORDER DENYING TARIFF FILING

BY THE COMMISSION:

BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company of Florida (Southern Bell or the Company) has filed a tariff in which it proposes changes in the procedure for developing special construction charges when a customer requests that service be furnished using a route, or type of facility, other than normal. Currently, Southern Bell develops a Maximum Termination Liability (MTL) and an Annual Underutilization Liability (AUL) when developing such charges. Southern Bell proposes that a nonrecurring charge be used in lieu of the MTL and the AUL for developing special construction charges. The Company asserts that its proposal will provide customers with flexibility in paying special construction charges.

The Company has indicated that its proposal is designed to increase flexibility. However, it appears that Southern Bell's proposal does not provide customers with any additional flexibility. The proposal does not strike a balance between benefits to the customer and benefits to the Company. Thus, we

<sup>1</sup> An MTL is equal to the nonrecoverable costs associated with specially constructed facilities and is the maximum amount which could be applied as a Termination Charge if all specially constructed facilities were discontinued before the Maximum Termination Liability expires. The liability period is equal to the average life of the account associated with the specially constructed facilities. An AUL underutilization occurs when less than 70 percent of specially constructed facilities are in service.

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find that the MTL and AUL should remain options for customers who prefer to pay for nonrecoverable costs on the back end. Instead of eliminating the MTL and the AUL, the nonrecurring charge should be added as another option for establishing special construction charges.

Therefore, we deny Southern Bell's proposal to eliminate the MTL and AUL procedures and replace them with a nonrecurring charge. Should the Company file an otherwise identical tariff, which presents the proposed nonrecurring charge as an option to the current MTL and AUL procedures, it shall be allowed to go into effect without further consideration.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission denying tariff filing by Southern Bell to assess a nonrecurring charge in lieu of the MTL and the AUL when developing special construction charges for requested services that use a route or facility other than normal. It is further

ORDERED that should Southern Bell file an otherwise identical tariff providing that the assessment of a nonrecurring charge be added to the current tariff as an option to the MTL and the AUL, it shall go into effect without further Commission action.

ORDERED that this Docket shall closed be at the end of the protest period for this Order assuming no timely protest is received.

By ORDER of the Florida Public Service Commission this 15th day of February, 1993.

  
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STEVE 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 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 March 8, 1993.

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.