

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 931124-TL
Tariff Filing to Delete) ORDER NO. PSC-94-0096-FOF-TL
Installation Charges for Code) ISSUED: 1/27/94
Restriction of 900, 976, and N11)
in the ESSX Service Tariff by)
BellSouth Telecommunications,)
Inc. d/b/a Southern Bell)
Telephone and Telegraph Company)
(T-93-620))

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER APPROVING TARIFF TO DELETE NONRECURRING CHARGE
IN ESSX TARIFF FOR BLOCKING PAY PER CALL SERVICES

BY THE COMMISSION:

Under Rule 25-4.110(10)(c), Florida Administrative Code, which became effective November 11, 1991, there is to be no charge for blocking pay per call services. Pay per call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. These services include 900, 976, and N11.

On October 28, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a proposed tariff to delete its nonrecurring charge for blocking 900, 976, and N11 services, which is currently applicable when customers subscribe to ESSX or Digital ESSX services, in order to bring itself into compliance with Rule 25-4.110(10)(c). Southern Bell's current tariff also provides for waivers of the blocking charge under certain circumstances. Accordingly, it appears that few customers have been charged for blocking pay per call services.

Southern Bell is currently trying to determine the number of customers who have paid the blocking charge since Rule 25-4.110(10)(c) became effective. Southern Bell proposes to refund

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the charge, with interest, to all customers who have paid the charge since Rule 25-4.110(10)(c) was implemented.

Since Southern Bell is attempting to determine which customers were incorrectly charged and refund the incorrect charges, we do not believe that it would be appropriate, at this time, to require it to show cause why it should not be fined for violating Rule 25-4.110(10)(c). However, Southern Bell shall complete its refund of the charges and provide this Commission with a report, no later than ninety (90) days after the date of this Order, listing the number of customers refunded and the total amount of the refund.

Upon consideration, Southern Bell's proposed tariff to delete the nonrecurring charge for blocking 900, 976, and N11 services in its ESSX service tariff, is approved, with an effective date of January 4, 1994.

It is, therefore,

ORDERED by the Florida Public Service Commission that the proposed tariff by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company to delete its nonrecurring charge for blocking 900, 976, and N11 services in the ESSX service tariff is approved. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company Southern Bell shall refund the pay per call blocking charge, with interest, to all customers that were incorrectly charged the pay per call blocking charge, within ninety (90) days of the date of this Order. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company Southern Bell shall provide this Commission with a report listing the number of customers refunded and the total amount of the refund within ninety (90) days of the date of this Order. It is further

ORDERED that, unless a person whose interests are substantially affected by the tariff approved herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

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By ORDER of the Florida Public Service Commission, this 27th
day of January, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

by: Kay Hegan
Chief, Bureau of Records

(S E A L)

RJP

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 February 17, 1994.

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.

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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.