

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to) DOCKET NO. 920255-TL
determine whether local exchange) ORDER NO. PSC-94-1382-FOF-TL
company pay telephone service) ISSUED: November 14, 1994
(LEC PATS) is competitive and)
whether local exchange company)
pay telephone service (LEC PATS))
should be regulated differently)
than it is currently regulated.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING JOINT MOTION
AND RELIEVING SMALL LECS OF REQUIREMENT
TO OFFER COIN LINES WITH UNBUNDLED FUNCTIONALITIES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed in Section II is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. JOINT MOTION

By Order No. PSC-93-0289-FOF-TL (Order) the Commission required a number of "unbundled functionalities" to be offered to pay telephone providers. The Commission ordered the local exchange companies (LECs) to file a list of pay telephone functions that could be unbundled and sold separately, and then to offer the functions as soon as feasible.

There are several outstanding motions left in this docket as a result of the unbundled functionalities provisions of the Order. On February 24, 1994, the large LECs, namely BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell), GTE Florida Incorporated (GTEFL), United Telephone Company of Florida (United), Central Telephone Company of Florida (Centel), and the Florida Pay

DOCUMENT NUMBER-DATE

11440 NOV 14 94

FPSC-RECORDS/REPORTING

Telephone Association (FPTA), filed a Joint Motion to Approve Status and Provision of Unbundled Functionalities (Joint Motion). This motion served to dispense with all other outstanding motions filed by these companies in this docket.

The Joint Motion addresses the continuing negotiations among the large LECs and the FPTA for the provision of pay telephone functions such as coin lines, answer supervision, and coin signalling. The Joint Motion provides a timetable for deployment of the unbundled functionalities. The parties, with the exception of the small LECs, addressed below in Section II of this Order, have all agreed to the timetable and functions listed in the Joint Motion.

The Joint Motion states that, if granted, the following motions will be withdrawn:

- Southern Bell's August 18, 1993 Motion for Adoption of the Unbundled Functionalities List;
- FPTA's response to such motion;
- GTEFL's August 23, 1993 Motion for Adoption of the Unbundled Functionalities List; and
- FPTA's response to GTEFL's August 23, 1993 motion.

These withdrawals will dispense with all of the outstanding motions filed by the large LECs.

Upon consideration, we shall approve the Joint Motion to Approve Status and Provisions of Unbundled Functionalities. The list and timetable are reasonable and acceptable to the concerned parties.

II. REQUEST BY SMALL LECs FOR RELIEF FROM REQUIREMENT TO OFFER COIN LINES WITH UNBUNDLED FUNCTIONALITIES

Concurrently with the activity by the large LECs, the small LECs, led by ALLTEL Telephone Company (ALLTEL) and Vista-United Telecommunications Company (Vista), filed several letters, motions, and reports concerning the unbundled functionalities. Several small LECs requested an extension of time to file coin line tariffs and work out the details of an unbundled functionalities list with the FPTA. Other small LECs', maintain that the functionalities agreed to by the large LECs may not be available from some of the small LECs' switches, and there has been no demand for many of the functionalities in many of their territories.

We agree that providing services and functions in areas where no customers have even asked for the service is not an efficient use of resources. Although the small LECs did not specifically request this action, we find that the small LECs should not be required to tariff coin lines or unbundled functionalities unless a non-LEC pay telephone provider asks for the function in writing. Upon receipt of a written request for service, the LEC should file a tariff for the service within 30 days, or provide a letter to the requesting party and the Commission staff stating its timetable for introduction of the service. This new procedure applies to ALLTELL Florida, Inc., Vista-United Telecommunications, Florala Telephone Company, Inc., Gulf Telephone Company, Northeast Florida Telephone Company, Indiantown Telephone System, Inc., Quincy Telephone Company, St. Joseph Telephone & Telegraph Company, and Southland Telephone Company.

The new procedure for the small LECs will ensure that the companies are only implementing these features where NPATS providers desire them. Also, if the LEC cannot file a tariff in 30 days and its timetable for introduction is objectionable to the NPATS provider, the NPATS provider may request the Commission and its staff to investigate the LEC's proposed timetable. The small LECs and the FPTA should continue to work on additional unbundled functionalities as previously agreed.

We believe this solution will best serve the parties. The FPTA informally agreed that the small LECs could wait until an NPATS provider requested a feature before the feature is tariffed, and the small LECs agreed that this policy will best suit their needs on this matter. Therefore, if no protest has been filed at the conclusion of the 21-day protest period this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Motion to Approve Status and Provision of Unbundled Functionalities is hereby approved as set forth in the body of this order. It is further

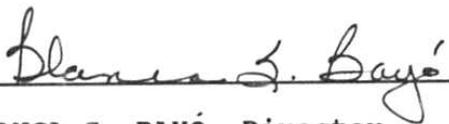
ORDERED that the small local exchange companies identified in the body of this order are hereby allowed to wait until a written request for payphone services from a payphone provider is received before such services are tariffed as set forth in the body of this order. It is further

ORDER NO. PSC-94-1382-FOF-TL
DOCKET NO. 920255-TL
PAGE 4

ORDERED that Section II of this Order shall become final and effective unless an appropriate petition is filed in accordance with the requirements set forth below. It is further

ORDERED that in the event this Order becomes final, this Docket should be closed.

By ORDER of the Florida Public Service Commission, this 14th day of November, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

WEW

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.

As identified in the body of this order, our action in Section II 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 101 East Gaines

Street, Tallahassee, Florida 32399-0870, by the close of business on December 5, 1994. In the absence of such a petition, this order shall become effective on the date 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 the relevant portion of 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.

Any party adversely affected by the Commission's final action in Section I of the Order may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) 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 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 after the issuance 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.