

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Elimination by Florida) DOCKET NO. 940754-TP
Public Service Commission of) ORDER NO. PSC-95-0606-FOF-TP
prohibitions regarding resale of) ISSUED: May 16, 1995
foreign exchange, private line,)
and special access services of)
local exchange companies.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER APPROVING TARIFF

BY THE COMMISSION:

I. BACKGROUND

Since the advent of competition in the telecommunications market, the Commission has maintained a prohibition on the resale of Special Access Services, Private Line Services and Foreign Exchange Services.

The initial resale restriction for private line service was established by Order No. 11206, issued September 29, 1982. Resale of private line service was prohibited because the rates for private line service were thought to be below cost.

During the last several years the local exchange companies (LECs) have been engaged in restructuring and repricing of dedicated services. These changes coupled with advent of Alternate Access Vendors (AAVs) supports proposition that the resale prohibition should be revisited. By Order No. PSC-94-1545-FOF-TP we ordered that the prohibition on the resale of local exchange company LEC-provided special access service and the prohibition of resale of LEC-provided private line service should be eliminated. Further, the Commission ordered the LECs to file modified tariffs reflecting the decision within 90 days from the issuance of the Order.

DOCUMENT NUMBER-DATE

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FPSD-LECROSS/REPORTING

On March 10, 1995 United Telephone Company of Florida (United) and Central Telephone Company of Florida (Centel) filed revisions to their respective private line tariffs and on March 13, 1995 filed revisions to their respective special access tariffs. Both filings from each company are in response to Order No. PSC-94-1545-FOF-TP.

II. UNITED'S PRIVATE LINE TARIFF REVISIONS

United's tariff filing includes several changes. In addition to eliminating the restrictions on the resale of private line and special access services, United proposes other revisions to its private line tariff which clarify and align its tariff with Centel's private line tariff. The additional changes propose to: 1) add meet-point billing provision language to its private line tariff; 2) align United's and Centel's interexchange private line tariffs by rearranging the rate regulation language in its private line tariff and revising termination liability and minimum contract period provisions to align those provisions with like services; 3) add a secondary channel capability nonrecurring charge; 4) obsolete the Southern Bell contract rates in Section A120, thereby completing the process of breaking concurrence with Southern Bell's interexchange private line tariff; and 5) eliminate intraexchange-specific references in the private line tariff.

United proposes to add meet-point billing provision language to its private line tariff since it now offers both interexchange and intraexchange private line service. Meet-point billing is for private line service provided by multiple companies. The proposed language will allow United to bill for interexchange private line service provided by multiple companies.

In order to align United's and Centel's private line tariffs, United proposes to: 1) move its rate regulation terms and conditions language from under each specific service to the beginning of the private line tariff, and 2) revise its termination liability and minimum contract period provisions to align those provisions with like services. We find these modifications appropriate because they clarify the tariff and make both tariffs easier to understand.

United also proposes to add the nonrecurring charge for secondary channel capability service which it erroneously omitted during the private line restructure tariff filing which became effective July 1, 1994. We find this proposed revision to be appropriate.

United further proposes to obsolete the references to Southern Bell contract rates in order to complete the process of breaking concurrence with Southern Bell's tariff for interexchange private line service. Because the existing contracts are in concurrence with Southern Bell's tariff; United was not able to automatically convert these customers to the new tariff. The obsolete tariff will be deleted when all of the customers have switched to United's new tariff or have discontinued the service. There is no penalty for the customer when the customer changes to the new tariff. United notified existing customers under the contracts before the tariff became effective on July 1, 1994. We find these changes to be appropriate.

Finally, United proposes to clarify its tariff to eliminate the intraexchange-specific references in its private line tariff. United now has only a single private line tariff for both interexchange and intraexchange services and removal of intraexchange-specific references is appropriate.

We have reviewed United's modifications to its private line tariff and found them to be in compliance with Commission Order No. PSC-94-1545-FOF-TP. In addition, we find that United's other proposed changes are appropriate. According, United's tariff filing is approved, effective May 9, 1995.

III. CENTEL'S PRIVATE LINE TARIFF REVISIONS

Centel's proposed revisions to its General Customer Services Tariff include several changes. In addition to eliminating the restrictions on the resale of private line and special access services, Centel proposes to add meet-point billing to its private line tariff. Meet-point billing is for private line service provided by multiple companies. The proposed language will allow Centel to bill for interexchange private line service provided by multiple companies.

We have reviewed Centel's modifications to its private line tariff and found them to be in compliance with Commission Order No. PSC-94-1545-FOF-TP. In addition, we find that Centel's other proposed changes are appropriate. According, Centel's tariff filing is approved, effective May 9, 1995.

IV. UNITED'S AND CENTEL'S SPECIAL ACCESS TARIFF REVISIONS

On March 13, 1995 United and Centel filed revisions to their respective special access tariffs. The revisions were filed in response to Order No. PSC-94-1545-FOF-TP. We have reviewed the revisions and found them to be in compliance with the Order.

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Accordingly, we find that United's and Centel's proposed revisions to their respective special access tariffs should be approved effective May 12, 1995.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida's proposed revisions to its private line tariff are approved, effective May 9, 1995, as set forth in the body of this Order. It is further

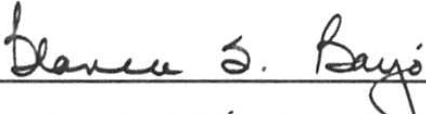
ORDERED that Central Telephone Company of Florida's proposed revisions to its private line tariff are approved, effective May 9, 1995, as set forth in the body of this Order. It is further

ORDERED that United and Centel's proposed revisions to their respective special access tariffs are approved, effective May 12, 1995, as set forth in the body of this Order. It is further

ORDERED that if a protest to any of the tariff revisions is filed in accordance with the requirements set forth below, the protested tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 16th day of May, 1995.



BLANCA S. BAYÓ, 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.

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 6, 1995.

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.