

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of)	DOCKET NO. 951138-TL
Tariff Filing to Revise the)	
Application of Residential and)	
Business Services by Central)	
Telephone Company of Florida)	
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In Re: Request for Approval of)	DOCKET NO. 951139-TL
Tariff Filing to Revise the)	ORDER NO. PSC-95-1372-FOF-TL
Application of Residential and)	ISSUED: November 3, 1995
Business Services by United)	
Telephone Company of Florida)	
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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 DENYING TARIFFS

BY THE COMMISSION:

On September 24, 1995, Central Telephone Company of Florida (Centel), in Docket No. 951138, and United Telephone Company of Florida (United), in Docket No. 951139, petitioned the Commission for approval to place a limitation on the maximum number of access lines provided to a residential premises at residential rates. The current application of each company's tariff has no limitation as to the number of lines that would be provided to a residence. The current tariffs have language for a determination as to whether a subscriber's service should be classified as residence or business service based upon the "character of use."

Centel and United filed these tariff revisions in response to growing requests for service by large-use customers in residential settings. Due to these increased requests, company service representatives have found it difficult to decide whether customers qualify as residential or business customers. Centel and United argued that their previous tariffs were vague and difficult to administer. The proposed tariff revisions would place a limit on the number of residential access lines provided to at residential rates.

DOCUMENT NUMBER-DATE

10870 NOV-3 1995

FPSC-RECORDS/REPORTING

Centel and United's proposed tariff revisions would limit the number of residential rotary lines to three. A residence with more than six access lines would have business rates applied to each line greater than six. Thus, residential premises could have a maximum of six residential access lines, with a maximum of three lines in rotary service. In addition, residential premises requiring more than three rotary lines would be required to pay business rates for every line on rotary service, because residential and business rotary service is not permitted at the same premises.

Centel and United analyzed their most recent monthly billing records and determined the number of residential customers affected by the proposed tariff filings. Centel currently has two customers that have 8 residential access lines. United has three residential customers with 8 lines and two with 9 lines. Further analysis of these seven customers has revealed that the lines are for residential purposes. These seven customers could retain their current service until they move to a different location.

We deny Centel and United's proposed tariffs. The tariffs' limits on the number of residential lines allowed is arbitrary. In addition, the tariffs shift the burden to subscribers to prove that lines in excess of the 6-line limit or the 3-line rotary limit are installed for residential purposes. We understand that it is difficult for the companies to decide whether a customer qualifies for residential or business rates due to the number of requests for large-use service in the residential setting. However, the continuing responsibility must remain with the companies to investigate a customer's qualifications for a particular rate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Central Telephone Company of Florida's tariff to place a limitation on the number of residential lines provided to a premise is hereby denied. It is further

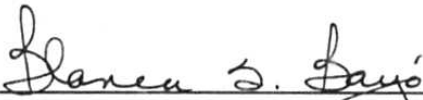
ORDERED that United Telephone Company of Florida's tariff to place a limitation on the number of residential lines provided to a premise is hereby denied. It is further

ORDERED that a protest of the decision in one docket does not prevent the decision in the other docket from becoming final. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, these dockets shall be closed.

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By ORDER of the Florida Public Service Commission, this 3rd
day of November, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 27, 1995.

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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.