

MEMORANDUM

June 13, 1997

RECEIVED

JUN 13 1997

12:35
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX/BARONE) *WKC* *MLB*

RE: DOCKET NO. 970526-TP - GENERIC CONSIDERATION OF INCUMBENT LOCAL EXCHANGE (ILEC) BUSINESS OFFICE PRACTICES AND TARIFF PROVISIONS IN THE IMPLEMENTATION OF INTRALATA PRESUBSCRIPTION

0709-FOF

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER ON INCUMBENT LOCAL EXCHANGE COMPANY BUSINESS OFFICE PRACTICES AND TARIFF PROVISIONS IN THE IMPLEMENTATION OF INTRALATA PRESUBSCRIPTION to be issued in the above referenced docket. (Number of pages in Order - 15)

WPC/MMB/clp
Attachment
cc: Division of Communications
I: 970526.wc2

see 10

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic consideration of incumbent local exchange (ILEC) business office practices and tariff provisions in the implementation of intraLATA presubscription.

DOCKET NO. 970526-TP
ORDER NO. PSC-97-0709-FOF-TP
ISSUED: June 13, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER ON INCUMBENT LOCAL EXCHANGE COMPANY
BUSINESS OFFICE PRACTICES AND TARIFF PROVISIONS IN THE
IMPLEMENTATION OF INTRALATA PRESUBSCRIPTION

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission (FPSC) that the action discussed herein 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. **BACKGROUND**

We initiated this proceeding to address generically issues that were considered in Order No. PSC-96-1569-FOF-TP, Docket No. 960658-TP, the Florida Interexchange Carriers Association (FIXCA), MCI Telecommunications Corporation (MCI) and AT&T Communications of the Southern States, Inc. (AT&T) (the Complainants) complaint against BellSouth Telecommunications, Inc. (BellSouth). The Complainants alleged that BellSouth devised anticompetitive business practices and unreasonable tariff provisions that would hinder the exercise of competitive choices in the intraLATA market. The Complainants argued that these practices would enable

DOCUMENT NUMBER-DATE

05998 JUN 13 97

FPSC-REG. INFO. REPORTING

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 2

BellSouth, a dominant incumbent provider of local exchange services, to leverage its position to gain an unfair advantage over intraLATA competitors, thereby frustrating the intent of Order No. PSC-95-0203-FOF-TP.

In Order No. PSC-95-0203-FOF-TP, issued on February 13, 1995, in Docket No. 930330-TP, we found that intraLATA presubscription was in the public interest, and ordered the four large incumbent local exchange companies (ILECs) to implement intraLATA presubscription by the end of 1997. In the same proceeding, we ordered the ILECs to file tariffs by July 1, 1995, instituting a rate element designed to allow the recovery of implementation costs for intraLATA presubscription.

On June 30, 1995, pursuant to Order No. PSC-95-0203-FOF-TP, BellSouth filed a tariff to include a new rate element for intraLATA equal access cost recovery. In addition, BellSouth proposed to introduce several new intraLATA presubscription-related services and make revisions in its Access Services and General Subscriber Service Tariffs.

On May 23, 1996, we issued Order No. PSC-96-0692-FOF-TP in Docket No. 930330-TP, approving BellSouth's tariff. On May 24, 1996, the Complainants filed a Joint Complaint against BellSouth. On June 11, 1996, the Complainants filed a protest to Order No. PSC-96-0692-FOF-TP in Docket No. 930330-TP and requested a hearing. On October 17, 1996, we held a hearing to address issues pertaining to BellSouth's business office practices and tariff provisions as they relate to intraLATA presubscription. On December 23, 1996, we issued Order No. PSC-96-1569-FOF-TP, memorializing our findings in Docket Nos. 930330-TP and 960658-TP. On January 7, 1997, BellSouth filed a Motion for Reconsideration of Order No. PSC-96-1569-FOF-TP, as it relates to Docket No. 960658-TP. On January 21, 1997, the Complainants filed a response to BellSouth's Motion. On April 14, we denied BellSouth's Motion for Reconsideration.

After considering the issues addressed in Order No. PSC-96-1569-FOF-TP, we find it appropriate to address these same issues as they relate to the other Incumbent Local Exchange Carriers (ILECs) in Florida. They are GTE Florida, Incorporated (GTEFL), Sprint Florida Incorporated (Sprint-Florida), and the 9 small ILECs¹

¹AllTel Florida, Inc., The Florida Telephone Company, Inc., Frontier Communications of the South, Inc., Gulf Telephone Company, Indiantown Telephone System, Inc., Northeast Florida Telephone Company, Inc., Quincy Telephone Company, St. Joseph Telephone & Telegraph Company, Vista-United Telecommunications.

(collectively, ILECs). Specifically we find, as discussed in detail below, that these ILECs should be required to adopt competitively neutral business office practices in implementing intraLATA presubscription; we also establish the appropriate handling of preferred inter-exchange carrier (PIC) change requests, and the appropriate rates, where applicable.

II. INTRALATA TOLL CALLING AREA REFERENCES IN DIRECTORIES AND BILL INSERTS

In Order No. PSC-96-1569-FOF-TP, as it relates to Docket No. 960658-TP, we approved the parties stipulation that BellSouth would not use terminology that would suggest ownership of the intraLATA toll calling area and that BellSouth would refer to the intraLATA toll calling area as "local toll." We approved this language because it appeared competitively neutral.

Upon consideration we believe GTEFL, Sprint-Florida, and the small ILECs (ILECs) should also be prohibited from using terminology that suggests ownership of the intraLATA toll calling area when referring to the intraLATA service areas in directories and bill inserts. GTEFL, Sprint-Florida, and the small ILECs shall refer to the intraLATA toll calling area as "local toll" in their directories and bill inserts.

III. UNDECIDED CUSTOMERS AND THE "NO-PIC" OPTION

In Docket No. 960658-TP, BellSouth obtained and agreed to use a carrier identification code (CIC) to provide the "no-PIC" option for customers that have not selected a carrier to handle their intraLATA toll calls. This agreement was contingent on BellSouth recovering the one-time cost associated with the implementation of the no-PIC option using the recovery mechanism established in Docket No. 930330-TP. We believed that BellSouth should be allowed to recover this cost. The cost recovery mechanism referenced in Docket No. 930330-TP, however, appeared to be in conflict with the FCC's required methodology in its Second Report and Order. See FCC Order 96-333, CC Docket 96-98, at ¶92. In FCC Order 96-333, the FCC established that cost recovery for the implementation of toll dialing parity should mirror the FCC's interim number portability cost recovery mechanism. We did not believe that it was appropriate to establish a cost recovery mechanism that was inconsistent with the FCC's requirements. Therefore, we decided to address this issue in a generic proceeding in Docket No. 930330-TP.

Upon consideration, we find it appropriate to require the other ILECs to implement a "no-PIC" option. Further, we shall address the recovery of the one-time cost associated with the implementation of the no-PIC option for the other ILECs in our generic investigation in Docket No. 930330-TP.

IV. COMPETITIVELY NEUTRAL CUSTOMER CONTACT PROTOCOLS

In Order No. PSC-95-0203-FOF-TP, Docket No. 930330-TP, we determined that intraLATA presubscription is in the public interest. In Order No. PSC-96-1569-FOF-TP, Docket No. 960658-TP, we determined that to ensure the proper development of competition in the intraLATA market, BellSouth must maintain competitively neutral customer contact protocols and also provide tariff provisions that will enable customers to exercise their newly available choices of intraLATA carriers. In this docket, we address these issues as they pertain to the other ILECs' implementation of intraLATA presubscription.

A. Communicating information to new customers regarding intraLATA choices

In Docket No. 960658-TP, we found that BellSouth had not established sufficiently neutral methods for communicating information regarding other available intraLATA carriers to new customers. We determined that BellSouth's business practices were inappropriate and unfairly favored BellSouth's intraLATA toll service. We further determined that BellSouth was likely to create a bias for its service by marketing its services to customers before they had the opportunity to consider their other choices. We therefore adopted these customer contact protocols for competitively neutral communications:

1. The ILEC should advise customers that due to the newly competitive environment they have an option of selecting a long distance carrier for their local toll calls (calls made within your local calling zone to nearby communities).
2. The ILEC should offer to read to the customer the list of available carriers. If the customer responds yes, then the list should be read.
3. If the customer responds no, then the customer service representative should ask the customer to identify the carrier of choice. If the customer responds, I'm not sure, the service representative

should offer to read the list of available carriers and encourage the customer to make a selection. If the customer does not want to make a selection, the customer should be advised that he must dial an access code to reach an intraLATA carrier each time he makes an intraLATA call until a presubscribed carrier is chosen.

We determined that these prompts would give the customer an opportunity to make an informed decision regarding the available intraLATA toll service providers. We also determined that BellSouth should not be allowed to market its intraLATA toll service unless the subject is introduced by the customer.

Upon consideration, we find that the other ILECs should also use the competitively-neutral prompts listed above when they communicate information to new customers about their intraLATA carrier choices.

B. ILECs' ability to market their services to existing customers changing their intraLATA carriers

In Docket No. 960658-TP, we determined that as long as BellSouth remains the gateway for customer contact in the intraLATA market, there is an opportunity for BellSouth to misuse that position. We found that BellSouth could gain a competitive advantage by initiating marketing efforts intended to retain a customer when a customer calls to change intraLATA providers to a carrier other than BellSouth. We further noted that although BellSouth indicated that it only initiates such marketing efforts to retain small business customers, there was no mechanism in place to prevent BellSouth from also applying this marketing practice to its residential customers.

We also determined that any BellSouth exploitation of its role as the gateway for customer contact would stifle the development of competition in the intraLATA toll market. Therefore, we ordered BellSouth not to initiate marketing efforts designed to dissuade customers, business or residential, from changing their intraLATA carrier from BellSouth to another carrier for a period of 18 months from the date of the issuance of the Order in that docket. At the conclusion of the 18 month period, BellSouth will be allowed to market its services in the same manner as its competitors.

Upon consideration, we believe it is appropriate to prohibit the other ILECs from initiating marketing efforts designed to dissuade customers, business or residential, from changing their intraLATA carrier from their current ILEC to another carrier for a

period of 18 months from the date this Order becomes final. At the conclusion of this period, the ILECs shall be allowed to market their services in the same manner as their competitors.

C. ILECs ability to market their intraLATA services to existing customers when they call for reasons other than selecting intraLATA carriers

In Docket No. 960658-TP, we determined that as the incumbent LEC, BellSouth has a unique position with respect to customer contacts and customer information that could give BellSouth an advantage over its competitors in the intraLATA market. BellSouth is also privy to customer information, such as billing history and PIC changes, that its competitors are not, and could use this information as a marketing tool to persuade customers to select BellSouth as their intraLATA service provider. Therefore, we concluded that when existing customers contact BellSouth for reasons unrelated to intraLATA toll service, BellSouth shall not use those opportunities to market its intraLATA toll service, unless the customer introduces the subject, for a period of 18 months from the date of the issuance of the Order in that docket. However, at the expiration of this period, BellSouth will be allowed to market its services in the same manner as its competitors.

Upon consideration, we find consistent with our decision in Docket No. 960658-TP, that when existing customers contact the ILECs for reasons unrelated to intraLATA toll service, the ILECs shall not use those opportunities to market their intraLATA toll service, unless the customers introduce the subject, for a period of 18 months from the date this Order becomes final. At the expiration of this period, however, the ILECs shall be allowed to market their services in the same manner as their competitors.

D. ILEC processing of all its customers' PIC change orders

In Docket No. 960658-TP, we determined that BellSouth's intraLATA procedure regarding the processing of PIC changes appeared to be inconsistent with its interLATA procedure. We found that the difference in procedure may be confusing to customers, and also inappropriate because it penalizes customers who do not insist that BellSouth process their requests. We determined that BellSouth's procedures for processing PIC changes in the intraLATA market should mirror its interLATA procedure. Thus, in order to expedite intraLATA competition, we determined that BellSouth shall process all intraLATA PIC changes for its local customers. This

process, we found, would foster competition and provide customers with a centralized point of contact. We believe this same rationale applies to all ILECs. Accordingly, the other ILECs' procedures for processing intraLATA PIC changes shall mirror their interLATA procedures. Further, the ILECs shall process all intraLATA PIC changes for their customers.

V. TARIFF REVISIONS RELATED TO THE ONE FREE PIC AND THE TWO-FOR-ONE PIC FOR THE ILECS' EXISTING CUSTOMERS

A. One Free PIC

In Docket No. 960658-TP, we concluded that existing customers did not affirmatively choose BellSouth as their service provider, but instead were assigned to BellSouth due to its monopoly status. We disagreed with BellSouth that the application of a PIC change charge was consistent with our decision in the intraLATA presubscription proceeding. We noted that our findings in the intraLATA presubscription proceeding did not address the application of a PIC change charge, but the development of competition in the intraLATA market. We noted, however, that the FCC's Second Report and Order in CC Docket No. 96-98 stated that parties proposed to allow customers a grace period during which customers could switch carriers without charge. We therefore determined that it was possible that a customer would be less likely to switch to a carrier other than BellSouth if the customer would incur a PIC change charge; therefore, this PIC change charge could impede the development of competition in the intraLATA market.

Thus, we determined that existing customers shall have the opportunity to designate their preferred intraLATA carrier once without incurring a PIC change charge. We noted that new and existing customers should be afforded the same opportunities, and that any appearance of discrimination should be carefully avoided. We also determined that the One Free PIC shall run for a period of 90 days from the date of conversion of BellSouth's last end-office switch to intraLATA equal access. At the expiration of the 90 days, any end user making a PIC change will be assessed the \$1.49 PIC change charge by BellSouth.

Upon consideration, we shall require that the other ILECs provide existing customers with the opportunity to designate their preferred intraLATA carrier once without incurring a PIC change charge for a period of 90 days from the date of conversion of the ILEC's last end-office switch to intraLATA equal access. If the ILEC has completed the conversion of its switches, the 90 day period shall run from the date that this Order becomes final. At

the expiration of the 90 day period, any end user making a PIC change will be assessed the respective ILEC PIC change charge.

B. Two-For-One PIC

Until the implementation of intraLATA presubscription, customers could only choose interLATA carriers. With intraLATA equal access, customers can now designate different carriers for interLATA and intraLATA calls. The principal issue is whether the ILECs should be required to impose a single PIC change charge on a customer who simultaneously changes both interLATA and intraLATA carriers to the same carrier.

In Docket 960658-TP, we found that it was appropriate to require BellSouth to charge a single PIC change charge when a customer changes interLATA and intraLATA carriers to a single carrier in one transaction. We determined that the window for this single PIC change charge will expire 90 days from the date of conversion of BellSouth's last end-office switch to provide intraLATA equal access. At the expiration of the 90 day period, the end user will be assessed an additional 30% of the PIC change charge as a rate additive, as well as one PIC change charge.

Upon consideration, we find that the ILECs shall charge a single PIC change charge when a customer changes interLATA and intraLATA carriers to a single carrier in one transaction for a period of 90 days from the date of conversion of the ILEC's last end-office switch to provide intraLATA equal access. If the ILEC has completed the conversion of its switches, the 90 days shall run from the date that this Order becomes final. At the expiration of the 90 days, end users will be assessed the 30% rate additive in addition to the one PIC change charge of the respective ILEC.

C. Cost Recovery

The parties in the Docket No. 960658-TP proceedings all agreed that there are costs associated with the tariff provisions. Thus, the Joint Complainants agreed that BellSouth should be allowed to recover any verified, unrecovered relevant costs through the existing intraLATA equal access implementation mechanism.

1. One Free PIC:

In the Docket No. 960658-TP proceedings, the Complainants argued that existing customers were able to select their toll carrier at no charge when interLATA equal access was established; this same approach is appropriate for intraLATA service. The Complainants agreed that BellSouth should be allowed to add these

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 9

costs to the already established intraLATA cost recovery mechanism since the One Free PIC was not part of the initial intraLATA presubscription investigation docket.

In response, BellSouth argued that there are costs incurred in making these PIC changes, and BellSouth should be allowed to recover the costs. BellSouth concluded that the most appropriate method of recovering these costs is either from the IXC or the end user who generates these costs.

In Order No. PSC-95-0203-FOF-TP, we determined that the cost of implementing intraLATA presubscription would be recovered through a separate LEC-specific rate element applicable to all originating interLATA Feature Group D access minutes of use. This cost recovery mechanism was designed to ensure that the ILECs would not pay any portion of the cost, and to discourage carriers from delaying participation in the intraLATA market pending the expiration of the rate element. Notwithstanding, we noted that BellSouth's 1990 interLATA PIC cost study stated that the PIC change charge covers the costs incurred when an end user changes his or her initial PIC. We also noted that this cost study did not indicate whether or not this is the case with intraLATA equal access.

FCC Order 96-333 required a different methodology for recovering the costs associated with the implementation of intraLATA presubscription. This Order required that the cost recovery of implementing dialing parity in the implementation of intraLATA equal access must mirror that of interim number portability. See FCC Order 96-333 at ¶92. The Commission has initiated a generic proceeding in Docket 930330-TP to resolve the apparent conflict between the FPSC and FCC orders and to determine the appropriate cost recovery mechanism.

2. Two-For-One PIC

BellSouth agreed that there was no detailed cost study that was used to derive the 30% rate additive. BellSouth stated that the figure was an estimate based on a panel's analysis of the major work processes performed in the simultaneous processing of interLATA and intraLATA PIC changes, and estimated that the incremental cost of a PIC change is minimal when performed along with setting up a new customer's basic local exchange service. BellSouth warned that the idea that the incremental cost of presubscription is minimal is based solely upon relative relationships and not upon any detailed cost study support.

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 10

We determined that there was insufficient information in the record to indicate whether the cost of simultaneously processing interLATA and intraLATA PIC changes was greater than the cost of processing a PIC change along with establishing basic local service. Thus, we found that it was impossible to conclude that the incremental cost of the Two-For-One PIC is similar to the incremental cost of a PIC change associated with setting up basic service. We agreed that BellSouth likely incurs costs in processing an intraLATA PIC change, even when it is performed together with an interLATA PIC change for the same carrier; therefore, BellSouth should be allowed to recover such costs. We noted that BellSouth did not provide any cost study on the Two-For-One PIC change. Indeed, we found nothing in the record to demonstrate that the \$1.49 charged for a PIC change does not cover the costs of a Two-For-One PIC change, nor was there evidence that refuted the 30% rate additive derived from the panel's analyses of major work processes. Thus, we found that the 30% rate additive was reasonable.

Considering the evidence, we noted that our initial Order did not address the costs associated with these tariff provisions. We, however, determined that the provisions of One Free PIC and the Two-For-One PIC for existing customers were consistent with our Order No. PSC-95-0203-FOF-TP, where we found that intraLATA presubscription was in the public's best interest. Therefore, we concluded that BellSouth shall allow existing customers One Free PIC, since the One Free PIC can serve as an incentive to existing customers to exercise their choice of intraLATA carriers, thus promoting competition in the intraLATA market. We also concluded that when a customer designates a single carrier for both interLATA and intraLATA in a single transaction, that BellSouth shall charge this customer for a single PIC change. We further determined that the One Free PIC and the Two-For-One PIC shall run for a period of 90 days from the date of conversion of BellSouth's last end-office switch to provide intraLATA equal access. If the ILEC had completed the conversion of its switches, the 90 days shall run from the date that Order became final. At the expiration of the 90-day window, any end user making an intraLATA PIC change or the Two-For-One PIC change shall be assessed the intraLATA PIC change charge or the 30% rate additive in addition to the one PIC change charge, respectively. We concluded that pending a generic investigation of the appropriate cost recovery mechanism for intraLATA presubscription in Docket No. 930330-TP, BellSouth shall track its costs, on an interim basis. BellSouth shall track the cost associated with providing a free PIC and the Two-For-One PIC changes during the 90 day period, with sufficient detail to verify the costs in a generic proceeding.

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 11

Until the implementation of intraLATA presubscription, these One Free PIC and Two-For-One PIC tariff provisions were not available to customers. With intraLATA equal access, customers now have the option of selecting separate carriers for interLATA and intraLATA calls; therefore, these tariff provisions are now necessary.

Upon consideration, we shall require that the ILECs shall allow existing customers One Free PIC. We also shall require that when a customer designates a single carrier for both interLATA and intraLATA in a single transaction, the ILECs shall charge this customer for a single PIC change. The one free PIC change and the Two-For-One PIC change shall run for a period of 90 days from the date of conversion of the ILEC's last end-office switch to provide intraLATA equal access. If the ILEC has completed the conversion of its switches, the 90 days should run from the date that this Order becomes final. At the expiration of the 90 day One Free PIC, the end user will be assessed the respective ILEC's PIC change charge. Also at the expiration of the 90 day Two-For-One PIC change, the end user will be assessed the 30% rate additive in addition to the one PIC change charge. Pending further investigation of the appropriate cost recovery mechanism for intraLATA presubscription, we, on an interim basis, shall require the ILECs to track their costs with sufficient detail. Further, we shall require that the ILECs perform an intraLATA PIC change charge cost study with the major cost drivers identified in order to consider recovery of these costs in a generic proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida, Incorporated, Sprint Florida Incorporated, and the 9 small incumbent local exchange companies (ILECs) shall comply with the requirements regarding intraLATA toll calling references in directories and bill inserts set forth in the body of this Order. It is further

ORDERED that GTE Florida, Incorporated, Sprint Florida Incorporated, and the 9 small ILECs shall comply with the requirements regarding customers who have not selected a carrier to handle their intraLATA toll calls and the "no-PIC" option set forth in the body of this Order. It is further

ORDERED that GTE Florida, Incorporated, Sprint Florida Incorporated, and the 9 small ILECs shall comply with the requirements regarding competitively neutral customer contact protocols set forth in the body of this Order. It is further

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 12

ORDERED that GTE Florida, Incorporated, Sprint Florida Incorporated, and the 9 small ILECs shall make tariff revisions related to the One Free PIC and the Two-For-One PIC for the ILECs' existing customers consistent with the requirements set forth in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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

By ORDER of the Florida Public Service Commission, this 13th day of June, 1997.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

WPC/MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

ORDER NO. PSC-97-0709-FOF-TP
DOCKET NO. 970526-TP
PAGE 13

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 7, 1997.

In the absence of such a petition, this order shall become effective on the day 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 this order becomes final and effective on the date described above, any party substantially 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.