

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Modified minimum filing	)	DOCKET NO. 911109-TL
requirements report of SOUTHERN	)	ORDER NO. 25552
BELL TELEPHONE AND TELEGRAPH COMPANY	)	ISSUED: 12/31/91
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 SUSAN F. CLARK  
 J. TERRY DEASON  
 BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTION  
ORDER FINDING COMPLIANCE WITH MMFR PROVISION AND  
DIRECTING COMPANY TO SUBMIT MFRS BY MAY 1, 1992

BY THE COMMISSION:

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

Section 364.035(3), Florida Statutes, requires that each local exchange company (LEC) file Modified Minimum Filing Requirements (MMFRs) within eighteen months after October 1, 1990. By Order No. 23452, issued September 7, 1990, we established a schedule for each of the LECs to file MMFRs.

On September 24, 1990, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a Motion for Reconsideration of Order No. 23452 (Motion), requesting that its filing date be changed from March 31, 1991, to "on or before September 30, 1991." By Order No. 23923, issued December 21, 1990, we granted Southern Bell's Motion in part, by not requiring its MMFRs to be filed on March 31, 1991. We stated that a specific date for filing would be determined in the individual docket opened to address Southern Bell's MMFR filing.

Southern Bell filed a complete set of MMFRs on November 1, 1991, based upon the twelve months ending December 31, 1990. Upon examination, we find that this filing complies with Section 364.035(3). In addition, because the Company's rate stabilization plan will end on December 31, 1992, and the last full MFR review for Southern Bell was based on 1982 calendar year data, we find it

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appropriate to require that Minimum Filing Requirements (MFRs) be filed by May 1, 1992. Accordingly, we now believe that full MFR review is appropriate.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company has complied with its MMFR filing requirement. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall file MFRs by May 1, 1992. It is further

ORDERED that our actions described herein shall become final and this docket shall be closed following expiration of the protest period specified below, if no proper protest to our proposed agency action is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 31st day of DECEMBER, 1991.

  
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STEVE TRIBBLE, 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

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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 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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 1/21/92.

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 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.