

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by Broward Board) DOCKET NO. 911034-TL
of County Commissioners for)
extended area service between)
Fort Lauderdale, Hollywood,)
North Dade and Miami.)
_____)
In Re: Comprehensive review of) DOCKET NO. 920260-TL
the revenue requirements and) ORDER NO. PSC-93-1301-FOF-TL
rate stabilization plan of) ISSUED: September 8, 1993
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER CONSOLIDATING DOCKET NO. 911034-TL
INTO DOCKET NO. 920260-TL AND DIRECTING
COMPANY TO CONDUCT TRAFFIC STUDIES

BY THE COMMISSION:

By Order No. PSC-93-0842-FOF-TL, issued June 7, 1993, we proposed: (1) removing Docket NO. 911034-TL from Docket No. 920260-TL; (2) directing BellSouth Telecommunications, Inc.-d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) to conduct additional traffic studies; and (3) requiring implementation of the hybrid \$.25 plan on certain routes.

On June 25, 1993, the Florida Interexchange Carriers Association (FIXCA) filed a protest to Order No. PSC-93-0842-FOF-TL, along with a request for evidentiary hearing. FIXCA states that implementation of the \$.25 plan on the routes in question invokes a ban on competition and, therefore, prohibits FIXCA members from providing service on these routes. FIXCA further argues that if we approve the \$.25 plan, we will reverse the decisions of thousands of consumers by unilaterally awarding to Southern Bell traffic which consumers have already chosen to have carried by other competitive telecommunication providers. FIXCA also contends that implementing the \$.25 plan on these routes allows Southern Bell to provide toll service at price levels which its competitors can never meet because the competitors must

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purchase access from Southern Bell. FIXCA believes an evidentiary hearing is necessary so that we can comprehensively evaluate the ramifications of our proposed \$.25 plan.

On June 28, 1993, Southern Bell filed a Motion for Modification of Order No. PSC-93-0842-FOF-TL or, Alternatively, Petition for Formal Proceeding (Motion). Southern Bell has requested that our Order be modified to allow it twelve months to implement the \$.25 hybrid plan instead of the six months originally ordered. The Company states that implementation of the calling plan would affect approximately 1.6 million subscriber lines and will require extensive reprogramming, engineering, and construction. The Company further states that if an extension of time is not given, it would want a hearing on this issue.

Upon consideration, we find it appropriate to grant FIXCA's request for hearing. Having so done, the question then arises as to when the case shall be heard. If set on its own schedule, the earliest this case could be heard would be July or August 1994 (approximately a year from now). However, by moving this case back into the Southern Bell rate case, Docket No. 920260-TL, we can hear the matter sooner, as well as most adequately address the numerous, complex issues surrounding this docket. Accordingly, we find it appropriate to consolidate Docket No. 911034-TL into Docket No. 920260-TL. We note that this action renders Southern Bell's Motion moot.

In addition, we find it appropriate to require Southern Bell to conduct new traffic studies on the Fort Lauderdale/North Dade, Fort Lauderdale/Miami, and Hollywood/Miami routes, for the reasons stated in Order No. PSC-93-0842-FOF-TL and in the manner stated therein. We note that neither FIXCA nor Southern Bell have raised any objection to this particular provision of our prior Order. Accordingly, Southern Bell shall file these studies with us within ninety days of the date of the instant Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition filed on June 25, 1993, by the Florida Interexchange Carriers Association is hereby granted to the extent set forth herein. It is further

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ORDERED that the Motion filed on June 28, 1993, by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby found to be moot. It is further

ORDERED that Docket No. 911034-TL shall be consolidated into Docket No. 920260-TL. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall conduct new traffic studies as set forth in the body of this Order. It is further

ORDERED that these dockets shall remain open.

By ORDER of the Florida Public Service Commission this 8th day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay J. Lynn
Chief, Bureau of Records

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.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.