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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of :
Comprehensive review of : DOCKET NO. 920260-TL
revenue requirements and rate :
stabilization plan of :
SOUTHERN BELL TELEPHONE AND :
TELEGRAPH COMPANY. :

PROCEEDINGS: MELBOURNE SERVICE HEARING

BEFORE: CHAIRMAN J. TERRY DEASON
COMMISSIONER LUIS J. LAUREDO

DATE: Wednesday, January 5, 1994

TIME: Convened at 6:05 p.m.
Concluded at 6:47 p.m.

PLACE: Melbourne City Auditorium
Main Hall
625 East Hibiscus Blvd.
Melbourne, Florida

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

DOCUMENT NUMBER - DATE

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FSSC-RECORDS / PROCEEDING

1 APPEARANCES:

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4 Monroe Street, Suite 400, Tallahassee, Florida 32301,
5 Telephone No. (904) 222-1201, appearing on behalf of
6 Southern Bell Telephone and Telegraph Company.

7 CHARLIE BECK, Office of Public Counsel, c/o
8 Florida Legislature, 111 West Madison Street, Room 812,
9 Tallahassee, Florida 32399-1400, Telephone No. (904)
10 488-9330, appearing on behalf of the Citizens of the
11 State of Florida.

12 NOREEN DAVIS, FPSC Division of Legal
13 Services, 101 East Gaines Street, Tallahassee, Florida
14 32399-0863, Telephone No. (904) 487-2740, appearing on
15 behalf of the Commission Staff.

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I N D E X

PAGE NO.

OPENING STATEMENT BY MR. CRISER	7
OPENING STATEMENT BY MR. BECK	10
CERTIFICATE OF REPORTER	45

WITNESSES

PAUL BRIMER	13
JOHN MONGIOI	15
RICHARD R. RUSSELL	19
JERRY TROWBRIDGE	21
ANN HELSRICH	38
SIMONE WHITLOCK	40
CHARLOTTE FRIEDLAND	42

EXHIBITS

	<u>IDENTIFIED</u>	<u>ADMITTED</u>
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9	(Company) Proof of Publication	5
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P R O C E E D I N G S

(Hearing convened at 6:05 p.m.)

CHAIRMAN DEASON: If I could have everyone's attention, we will begin by having the notice read.

MS. DAVIS: Thank you, Mr. Chairman. This time and place have been set for a service hearing by notice issued September 28, 1993, in the consolidated Southern Bell Dockets Nos. 920260-TL, 910163-TL, 910727-TL, 900960-TL and 911034-TL.

CHAIRMAN DEASON: Thank you. We'll take appearances.

MR. BEATTY: My name is Robert Beatty, I'm a general attorney for Southern Bell.

MR. BECK: Charlie Beck, with the Office of Public Counsel in Tallahassee.

MS. DAVIS: I'm Noreen Davis, appearing on behalf of the Commission Staff.

CHAIRMAN DEASON: Thank you. Mr. Beatty, do we have a proof of publication of this evening's hearing?

MR. BEATTY: Yes, we do. And with your permission, Mr. Chairman, I'd like to move it into evidence.

CHAIRMAN DEASON: Okay. We will identify that as Exhibit No. 9, and if you will provide that to

1 the court reporter.

2 MR. BEATTY: Thank you.

3 (Exhibit No. 9 marked for identification.)

4 CHAIRMAN DEASON: Thank you. I'd like to
5 take this opportunity to welcome everyone to the
6 hearing this evening. I'd like to introduce myself, my
7 name is Terry Deason. I'm the Chairman of the Public
8 Service Commission, and with me this evening is
9 Commissioner Luis Lauredo.

10 The purpose of this hearing this evening is to
11 hear from you, the customers of Southern Bell. We wish to
12 hear from you concerning any matter which you wish to bring
13 before the Commission, whether it be quality of service
14 rendered by Southern Bell, or any of the various proposals
15 which have been filed in the dockets which are currently
16 pending before the Commission.

17 If you have questions concerning the
18 proposals or questions concerning service, we have a
19 representative this evening from the Commission's
20 Consumer Affairs Division, Ms. Margaret Ring, she's in
21 the back of the auditorium at the table and I'm sure
22 that she will be able to help you with any questions
23 you may have or direct you to the individuals who can
24 help you with your questions.

25 The procedure that we will follow this

1 evening is that we will begin with brief opening
2 statements, one from Southern Bell and one from the
3 Office of Public Counsel.

4 At the conclusion of the opening statements,
5 I will ask all those individuals from the public who
6 wish to testify this evening to stand and to be sworn
7 in. It is necessary for you to be under oath when you
8 give your testimony, because this is an official
9 hearing of the Public Service Commission. It will
10 become part of the record in this case and will be
11 available to the Commissioners as evidence and will be
12 relied upon by the Commission in making its decision in
13 this case.

14 The hearing this evening is being recorded by
15 an official court reporter. And as I indicated, it
16 will become part of the record in this case.

17 At the conclusion of swearing in witnesses,
18 Mr. Beck will call names that have been submitted to
19 him to testify.

20 If you wish to testify, it is necessary for
21 you to fill out a form, and these forms are available
22 at the back of the auditorium from Ms. Ring. When your
23 name is called, if you will please just come forward to
24 the podium and give your name and your address for the
25 record and then proceed with your statement. It would

1 also be helpful, if you think that the court reporter
2 could use assistance in spelling your last name, if you
3 could spell that for the court reporter.

4 If you wish not to make a formal statement
5 before the Commission this evening but wish to provide
6 information to the Commission, there is attached to the
7 back of the blue information handout, which is entitled
8 "Special Report," a page which may be detached. This
9 page can be detached and you can make written comments,
10 fold the page and send to it the Public Service
11 Commission. This is another alternative which is
12 available to you if you wish to do so.

13 So without any further ado, we will begin
14 with opening statements.

15 MR. CRISER: Thank you, Chairman Deason.

16 Good evening, I'm Marshall Criser and I'm
17 here tonight to represent Southern Bell. As some of
18 you may have already heard on news reports today,
19 Southern Bell and Florida's Office of Public Counsel
20 have reached a proposed settlement of the rate case we
21 filed in July of 1992. The settlement has been
22 endorsed by the Florida Attorney General, as well as
23 the American Association of Retired Persons and the
24 Florida Consumer Action Network, and must still be
25 approved by the Public Service Commission before it

1 goes into affect.

2 The agreement calls for approximately \$300
3 million worth of rate cuts to be phased in over the
4 next three years. Included in its terms, our customers
5 in Florida will no longer have a \$1 per line per month
6 Touch-Tone charge. This change will take affect 30
7 days after the Florida Public Service Commission
8 approves the agreement.

9 We have also agreed to cap the rates for
10 basic residential lines, basic business lines, PBX
11 trunk and directory assistance charges at their current
12 levels through 1997.

13 We have also withdrawn our optional expanded
14 local service proposal and have agreed not to propose
15 any local measured service on a statewide basis through
16 the same period.

17 The agreement also establishes a service
18 guarantee plan, beginning late this year, that would
19 provide rebates if it's determined that installation or
20 maintenance services were unsatisfactory.

21 As stated earlier today by Joe Lacher, our
22 state president, Jack Shreve, Florida's Public Counsel,
23 has been an extremely effective advocate for the
24 state's consumers. The Office of Public Counsel's
25 professionalism and cooperation were invaluable in

1 reaching an agreement that's good for everyone.

2 Additionally, the Attorney General, as well
3 as AARP and the Florida Consumer Action Network, worked
4 very diligently on this case from the beginning. These
5 parties, including Southern Bell, have done what they
6 believe to be in the best interests of Florida
7 consumers. And on that point, while the settlement has
8 just been presented to them today, I would also like to
9 acknowledge the professionalism and dedication of the
10 Staff of the Florida Public Service Commission and
11 their efforts in this case as well.

12 While the process has been cumbersome and
13 complex, our collective efforts have produced a
14 proposed settlement beneficial to everyone.

15 With this case behind us, Southern Bell's
16 energies can now be fully focused on serving our
17 customers and participating in the evolving nature of
18 our industry for the future and that is good for all of
19 us. The agreement reflects the realities of a swiftly
20 moving world; rapidly changing customer expectations,
21 technology and competition are changing the face of our
22 business, and the face of regulation will have to
23 change to meet those demands.

24 While this settlement is not what either side
25 had originally proposed, it allows us to concentrate on

1 you, our customers, and the future, by removing
2 uncertainty and allowing us to better plan for the
3 changes that an increasingly competitive environment is
4 bringing. Regardless of how the marketplace or the
5 world of telecommunications regulations changes, our
6 customers are guaranteed the rate reduction specified
7 in this settlement. And basic local rates will be
8 capped through 1997. I think you'll agree that that's
9 good, too.

10 But tonight is still about you, our
11 customers. We're here tonight to hear your comments.
12 We thank you for your participation and look forward to
13 hearing the comments. Mr. Chairman?

14 CHAIRMAN DEASON: Thank you. Mr. Beck?

15 MR. BECK: Thank you, Mr. Chairman.

16 This has been a very long, hard-fought case
17 for us working with Southern Bell. We're very pleased
18 that we're able to reach an agreement with Southern
19 Bell. It took us a number of months for us to reach
20 the agreement that was signed this morning, and we
21 appreciate being able to work with them.

22 We also think we've come up with a package
23 that's going to be very beneficial for customers and
24 for the state. It's still subject to review by the
25 Public Service Commission and subject to the

1 concurrence of other parties in the case, so it's not
2 final yet.

3 Mr. Criser has given you a general outline of
4 the settlement. Let me just add a few specifics to it.
5 The settlement calls for the elimination of Touch-Tone
6 charges, that's a \$1 charge on your bill, within 30 days
7 after approval by Commission. That will cost Southern Bell
8 about \$55 million a year. There are then three periods
9 after that where there will be rate reductions, but the
10 specific services haven't been specified yet.

11 On July 1st of this year, there will be a \$60
12 million reduction beyond the Touch-Tone charge
13 elimination; In 1995, an additional \$80 million; and in
14 1996, an additional \$84 million. By the end of 1996,
15 the total effect of the charges will be \$300 million
16 annually.

17 Now, on those three rate reductions to come,
18 the Commission would have to decide exactly which rates
19 to reduce to implement those revenue reductions. We
20 would anticipate that a substantial portion of that
21 would be used to reduce long distance charges for in-
22 state calling, and also to take care of other places
23 where there may be needs for expanded local calling
24 between communities. But all of that remains to be
25 seen and would be dealt with as each of those periods

1 come up.

2 There will be no local measured service
3 proposals by Southern Bell on a statewide basis, nor
4 will they support such a proposal during the period if
5 the agreement is accepted by the Commission. And it
6 caps all basic rates today. And we feel that the
7 reduction -- or the elimination of the Touch-Tone
8 charge, in a sense, is a reduction for your local
9 rates. Over 90% of the customers take Touch-Tone
10 service; and for those persons who don't take it, they
11 will get that service for free.

12 The settlement wouldn't have been possible
13 without the efforts of many parties in the case. The Staff
14 and the Commission, for example, has done extensive
15 discovery and investigation. They've conducted an audit of
16 the transaction between Southern Bell and its affiliates.
17 The efforts by everybody have had a large part in us
18 reaching a settlement. We hope that the Commission will be
19 approving it in the near future.

20 I thank you.

21 CHAIRMAN DEASON: Thank you, Mr. Beck. You
22 may call your first witness.

23 MR. BECK: Mr. Paul Brimer.

24 CHAIRMAN DEASON: I'm sorry, we need to swear
25 the witnesses in. I knew there was something I was

1 forgetting. Everyone from the public who wishes to
2 testify this evening, if you will stand and raise your
3 right hand.

4 (Witnesses collectively sworn.)

5

6

PAUL BRIMER

7 was called as a witness on behalf of the Citizens of
8 the State of Florida and, having been duly sworn,
9 testified as follows:

10 WITNESS BRIMER: Mr. Chairman, I appreciate
11 the opportunity to speak to you concerning the issue
12 concerning -- involving Southern Bell.

13 CHAIRMAN DEASON: Sir, could you give us your
14 name and address?

15 WITNESS BRIMER: My name is Paul Brimer. I
16 live in Satellite Beach, and I am appearing here on
17 behalf of AARP.

18 I received a call this afternoon from Tallahassee
19 informing me that Southern Bell and Mr. Shreve's office had
20 reached an agreement, and I hope they will be able to
21 present it to you in the very near future.

22 I have a couple of remarks to make, very
23 short. Most of them covered by counsel there.

24 Some of the points in the agreement that we
25 particularly like is that the initiation of a lifeline

1 program for low income customers of all ages.

2 Now, the way I understand that would work
3 would be rates would be discounted. We think that's --
4 and this is statewide. A rate reduction plan amounting
5 to approximately \$300 million annually. And this 300
6 million, as I understand it, includes the \$1
7 Touch-Tone.

8 There is to be established a \$11 million
9 reserve for long distance toll relief between Dade and
10 Broward Counties. I think that's been a point that has
11 been belabored constantly.

12 It also provides a \$10 million reserve for
13 customers who lose service due to a hurricane. And I
14 have to say here that I think Southern Bell did a
15 magnificent job during that hurricane. They did a fine
16 job.

17 Southern Bell plans to limit local -- may
18 abandon plans -- Southern Bell will abandon plans to
19 implement a local measured service rate until at least
20 1997. That we think is a move in the right direction.
21 And, of course, you mentioned that you were going to do
22 your best to approve service across the state, and that
23 is one thing that we're very much interested in.

24 AARP wishes to express its appreciation to
25 Mr. Shreve and Southern Bell for the many hours it took

1 to reach this agreement and I hope you folks get it in
2 a hurry.

3 Thank you.

4 CHAIRMAN DEASON: Thank you, sir. Any
5 questions?

6 MR. BECK: Thank you, Mr. Brimer. John
7 Mongioi.

8 (Witness Brimer excused.)

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10 JOHN MONGIOI

11 was called as a witness on behalf of the Citizens of
12 the State of Florida and, having been duly sworn,
13 testified as follows:

14 WITNESS MONGIOI: My name is John Mongioi,
15 it's M-O-N-G-I-O-I. I live at 809 Vance Circle
16 Northeast, Palm Bay, Florida.

17 What I wanted to bring to your attention
18 tonight is a subject of third-party billing. I became
19 aware of something which you may or may not be aware
20 of. And just briefly I'll tell you what you can do is,
21 I can call from a home or a phone -- a home phone or an
22 office phone to an operator long distance, to any of
23 the long distance companies, and charge any of your
24 home or office phones with no challenge. And this can
25 go on and on and on; and it was happening to me and

1 that's why I became aware of this thing.

2 Now, because of the complex situation of the long
3 distance phone companies, the only out seemed to be to put
4 in a blocking, which Southern Bell can do. Like they do for
5 the 900 calls. Where I had a problem was that they wanted
6 to charge for the blocking; and to me, that was like buying
7 protection, you know. I don't believe in paying for
8 protection for a loophole in the system.

9 So what I'm here to do is to ask that you
10 somehow pursue this and allow this blocking for a
11 third-party billing to be free to all the people in the
12 Southern Bell area of Florida. As I understand it, it
13 is free in other states in the Southeast that Southern
14 Bell works.

15 That's basically it.

16 CHAIRMAN DEASON: Okay. Let me ask you a
17 quick question.

18 WITNESS MONGIOI: Sure.

19 CHAIRMAN DEASON: Any of those unauthorized
20 calls, were you required to pay for those or were those
21 removed from your bill?

22 WITNESS MONGIOI: No, those were always
23 removed with no problem. It's just that I don't know
24 how long it went on before I caught on to it. And what
25 actually bothered me was that the same calls were made

1 to the same numbers repeatedly. And it's not a big
2 enough problem for Southern Bell to go and investigate
3 or even call the parties, it's just too small a money;
4 so people can just do this all the time and no one will
5 even tell them to stop.

6 CHAIRMAN DEASON: Any questions? Thank you, sir.

7 WITNESS MONGIOI: Is there any way I would
8 know if something will or won't? How do I find out if
9 something can get done on this issue, or can become
10 part of the problems in the future?

11 CHAIRMAN DEASON: I believe that the best way
12 to do that perhaps would be to discuss it further with
13 the Public Counsel's office and see if there needs to
14 be some type of petition filed before the Commission to
15 have this type service provided free of charge.

16 WITNESS MONGIOI: See, I've been in touch
17 with them and everybody for six months. I've got
18 letters -- in fact, I got a letter from you. I've been in
19 touch with all you guys since May. Now I realize you're
20 working on a lot of other things for a lot more money; but
21 now that we've got a lot of that resolved, I'd like somehow
22 to get someone to do something formally other than just say,
23 you know, "We'll work on it."

24 I don't want to be here again. I would like
25 someone to say either aye or nay.

1 CHAIRMAN DEASON: I understand that. And I'm
2 going to ask -- I would still encourage you to work
3 with Mr. Beck. I'll also ask Ms. Ring to, when we get
4 back to Tallahassee, to remind me to contact the
5 Communications Department with the Commission and see
6 if there is any formal investigation underway
7 currently. As I'm sure you can appreciate, there has
8 been a lot of work going into this rate case itself, --

9 WITNESS MONGIOI: I understand.

10 CHAIRMAN DEASON: -- and so some things may
11 have been kind of put on the back burner for the time
12 being. But we will inquire to see if there is an
13 investigation currently underway. And, if there is not
14 one, then we will see as to see whether there needs to
15 be an investigation opened. And I will further ask Ms.
16 Ring to remind me to contact you and let you know the
17 status of that.

18 WITNESS MONGIOI: Okay. I appreciate it.

19 CHAIRMAN DEASON: Surely.

20 WITNESS MONGIOI: Thank you.

21 CHAIRMAN DEASON: Margaret, I guess you heard
22 all that.

23 (Witness Mongioi excused.)

24

25 MR. BECK: Mr. Richard Russell.

1 RICHARD R. RUSSELL

2 was called as a witness on behalf of the Citizens of
3 the State of Florida and, having been duly affirmed,
4 testified as follows:

5 WITNESS RUSSELL: I'm Richard Russell. I
6 live at 1780 Jamaica Street, in Titusville, Florida. Just
7 to be noted, since this is official record, that I did
8 affirm for the oath, if you would, please. Thank you.

9 I think the things I came for, from the words
10 I'm hearing, have been taken care of. But the ones --
11 I'll just go through them quickly, if I may. The one I
12 mainly opposed to is any cost tied to a per-local call.
13 I just think there's so many things out there on that
14 one that if it ever happens, if it ever starts, it's a
15 bad thing. So that's number one.

16 Number two, I know Southern Bell is
17 eliminating a lot of the local offices. The one in
18 Titusville has been closed. I recognize for efficiency
19 and things this happens; but I would like to say for
20 the record that I think a lot of the personal touch,
21 there's no one there. I went down a couple months ago
22 to see and it turns out there's fences and it's closed.

23 And the third one I got is a problem that, I
24 don't know what happens and how you do it, it's a
25 little one, but it affects people who are older and

1 they have problems with their telephone. Nowadays if
2 you call and it turns out to be the line, then Southern
3 Bell takes care of it. If it turns out to be the
4 telephone, then you get a charge from Southern Bell and
5 then you still have to get your telephone fixed.

6 This is something that has gone on for a long
7 time now, so I don't know just how you solve it. But
8 there should be some way that people can find out where
9 the problem is without having to pay for the person to
10 come out and say, "Okay, it's in your telephone, so
11 therefore we're not responsible."

12 I feel concerned for people who are out and they
13 don't know what's the problem. So they need somebody to
14 check; and by the time they check, they've got to pay the
15 first and now they've got to pay the second.

16 I think that's the problem that I wanted to
17 discuss, those three things. And I thank you. And I
18 appreciate the fact that my number one is not our
19 problem anymore. Thank you.

20 CHAIRMAN DEASON: Thank you.

21 (Witness Russell excused.)

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25

1 MR. BECK: Mr. Jerry Trowbridge.

2 JERRY TROWBRIDGE

3 was called as a witness on behalf of the Citizens of
4 the State of Florida and, having been duly sworn,
5 testified as follows:

6 WITNESS TROWBRIDGE: I'm Jerry Trowbridge of
7 1805 Northeast Jensen Beach Boulevard in Jensen Beach.

8 Commissioners, sometimes there's a difference
9 between perception and reality. And there's a
10 perception that these hearings were for the
11 solicitation of public comment on Southern Bell's
12 tariff requests. Yet today was announced an agreement
13 among the intervenors that by my understanding will end
14 this case. Yet here we sit, at state and ratepayers
15 expense, in an exercise that is probably moot. It's
16 one of many examples that the way utilities are
17 regulated in this state is wrong.

18 Looking at this hearing, there is the
19 perception of a level playing field. There's Southern
20 Bell over here on the one side; and there's the Office
21 of Public Counsel over here representing us, the
22 people; and in the center sits the Staff and
23 Commissioners of the Public Service Commission. But
24 Commissioners, the system favors Southern Bell. No
25 matter how impartial, deliberative or fair-minded you

1 try to be, the public doesn't have an equal chance
2 against this monopoly.

3 There sits a representative of the Office of
4 Public Counsel, one chair, and there's Southern Bell,
5 two chairs. But up in Tallahassee, Southern Bell has
6 nearly a floor-and-a-half of offices in the SunBank
7 building, even though Southern Bell provides no
8 telephone service in Tallahassee at all. Its public
9 relations office, as it calls it, is maintained not to
10 provide telephone service but to lobby government to
11 approve the rates proposals that its massive staff up
12 in Atlanta prepares.

13 The office of Public Counsel also has a floor
14 of offices in a Tallahassee state building. But in
15 that office it must handle all the utilities, hospital
16 cost containment, whistle blowers. The regulation of
17 telephone companies is only a portion of its job,
18 watching Southern Bell is only a portion of that.

19 Now, if Southern Bell were spending its time
20 and energy and the ratepayers money in order to be
21 forthright with you, that might justify their
22 Tallahassee and Atlanta staff; but instead, it used
23 those people to try and port the Public Counsel's
24 investigation into how happy the ratepayers really are
25 with telephone service.

1 Southern Bell has an army of counsel, of
2 public relations people and of researchers that, we,
3 the public, just don't have. And they haven't been
4 using this resource in a way that helps public policy.

5 How many instances of deception on Southern
6 Bell's part are sufficient to cause this board to
7 question this Company's credibility?

8 The rate proposal that was before you is
9 brilliant from the perspective of a company that wants
10 to make more money while appearing to make less. But
11 from the ratepayer's perspective, it's Machiavellian.

12 I was going on speak in detail about it but,
13 as of this morning, it's dead and I'm not exactly sure
14 what will be offered in its place. The stipulation and
15 agreement is really excellent when it comes to revenue
16 return and accounting practice, but it's quite unclear
17 how these revenue reductions will be translated in the
18 telephone rates.

19 So here sits the public being asked to
20 comment on a tariff plan that Southern Bell will not
21 pursue, with a new plan not yet in place. And there
22 are a couple of areas where Southern Bell may use the
23 stipulation to try and increase rates. And for the
24 record I'd like to raise a couple of those questions.

25 Though Touch-Tone was not addressed in the

1 rate proposal, it became an issue because the public
2 has learned there are no costs associated with it other
3 than the cost to restrict it. Touch-Tone is an
4 inherent feature of the digital switches that control
5 today's telephone network. And the agreement provides
6 for the removal of Touch-Tone surcharges.

7 Like Touch-Tone, hunting is also an inherent
8 feature of a digital switch. Special equipment is no
9 longer required to provide hunting. Today, hunting is
10 enabled by a Southern Bell employee entering a few
11 numbers on a terminal one time. Yet, today in flat
12 rate business service, Southern Bell charges 150% of
13 its basic rate for hunting. Hunting, of course, is
14 when someone calls your phone number and if that number
15 is busy the call is automatically sent to your first
16 vacant line.

17 Like Touch-Tone, the cost of hunting is a
18 public policy concern. Someone who calls the number
19 and gets a busy is not served. Chances are they'll
20 call back and they will keep calling back until it's
21 connected.

22 Pricing hunting so that ratepayers install it
23 because it's cheap, or heaven forbid, free, reduces the
24 stress on the telephone system from incomplete calls.
25 So, like Touch-Tone, Southern Bell should be

1 encouraging hunting as a public policy matter rather
2 than discouraging it.

3 There is no hunting charge on message rate
4 business service or on foreign exchange service, only
5 on flat rate business. Southern Bell wanted to start
6 charging everyone for hunting but to reduce -- and then
7 to reduce the surcharge to 133%.

8 And in the stipulation there is the agreement
9 that Southern Bell file new tariffs that are, quote,
10 "In accordance with the proposed tariffs," meaning the
11 tariffs that they've already filed on hunting,
12 "providing for a reduction in, among other things,
13 hunting charges for business customers."

14 Now the question here is, does that mean a
15 real reduction? Or does that mean the kind of
16 reduction that Southern Bell had previously proposed?

17 I think Southern Bell's president had in mind
18 that it was an overall reduction, meaning some hunting
19 charges go up, others go down. This is underscored by
20 the fact that, contrary to what counsel for Southern
21 Bell said today, Southern Bell agreed only to cap flat
22 rate business charges, 1FBs. There is no agreement for
23 a cap for measured business service, and I would submit
24 it is because Southern Bell really wants to raise them
25 but was conspicuously quiet about that in the

1 negotiations.

2 I submit there are no reason to raise rates,
3 particularly for services that don't cost anything to
4 provide. In fact, let's drop the charge for hunting
5 just as we did for Touch-Tone for exactly the same
6 reason. Most classes of service don't have hunting
7 charges now.

8 Rather than increase a lot of rates, let drop
9 a few. Everyone is serviced by this. We have a
10 uniform rate element that Southern Bell wants to have.
11 We have fewer rate changes. More calls are connected
12 on the first try. Charges really reflect costs.
13 Sorry, I misspoke. Everyone is served by this but
14 Southern Bell because they would no longer be able to
15 charge for something that costs them nothing.

16 Of course, these are all assumptions on my
17 part. There is no tariff to speak on tonight because
18 that all changed this morning.

19 Another area. There are serious public
20 policy problems with the way Southern Bell, the AARP,
21 and the Office of Public Counsel wants to implement the
22 lifeline rate. Or, as Southern Bell calls it, Link Up
23 Florida. Southern Bell wants to give a special rate to
24 those who are either on Medicare or receive food
25 stamps. Now we're trying to find ways to move people

1 from public assistance to self sufficiency, yet all
2 these parties have signed on to a plan that makes
3 inexpensive telephone service one more thing you lose
4 when public assistance does what we originally intended
5 it to do, to bring someone back to a position as a
6 productive member of society.

7 Who speaks for all the people out there who
8 are poor, who are not sick and not elderly, and who are
9 barely making it and just can't afford a phone?

10 Public policy is served by everybody having a
11 phone. We can put out fires quicker if the fire
12 department knows about them. There will be fewer lives
13 lost and lower insurance claims, and this state sure
14 needs that right now.

15 Here's where Southern Bell can offer measured
16 rates that make sense. Put a phone in for next to nothing.
17 Keep it active for a pittance per month, but charge a lot of
18 money for a call. 911 calls are free; but the minute the
19 customer uses the phone for anything more than peace of
20 mind, suddenly regular phone service becomes more
21 attractive. Here, charges won't reflect cost, but
22 subsidizing this class of service helps all of us.

23 I propose three restrictions: residence
24 service only, only one phone per service address, and
25 blockage of all local calls rather swiftly for

1 nonpayment.

2 With each month, intellectual property and
3 communications becomes more important to the way
4 America makes its money. If telecommunications or any
5 part of it is to be run by a monopoly, then let it be
6 run by a monopoly that's also a good corporate citizen.
7 And that's where I say this whole regulation process is
8 unfair. As the Commission understands its mandate, it
9 has no authority to force this Company to act
10 responsibly. It sits in the center, treating Southern
11 Bell and the Office of Public Counsel as equals.

12 It hears from the public, but the public is
13 an entity in regulatory matters and only through the
14 intervention of the Office of Public Counsel. So we
15 were co-opted this morning when Jack Shreve and Joseph
16 Lacher stipulated and agreed.

17 You should be our representatives. You
18 regulate this monopoly. And when they want a fair and
19 impartial hearing, they have the courts as their
20 recourse, just like everybody else.

21 The way the Commission understand its role,
22 Southern Bell gets two shots at the target. Once
23 before you as an impartial board; and should you find
24 against them, once before a court, when you then become
25 their adversary. The public gets one shot.

1 In fact, I could argue with this morning's
2 Tallahassee deal, we really got no shot at all.

3 Southern Bell manipulates your centrist
4 position to file confusing, arcane and incomprehensible
5 tariffs. They now span ten volumes. There are 12
6 different tariff rate groups. Therefore, when a rate
7 increase is proposed, there's no way to summarize what
8 that will mean for ratepayers.

9 You may recall one woman in Hialeah -- I know
10 both you Commissioners were there -- she waved the
11 one-page description of the now-dead rate plan at you.
12 And she noted that no place was it ever stated just how
13 much her phone charges would either go up or down.

14 Nowhere in the regulation process is any
15 premium placed on simplicity. I wasn't even going to
16 speak about the expanded local service option. There
17 wouldn't be enough time. It's too complex, and most
18 people don't even understand it.

19 I ask this Commission to level the playing
20 field. Tell this Utility it is time to move into the
21 21st Century. Telepathy is no longer magic to be
22 practiced only by an anointed monopoly that coins
23 phrases like "residential premium expanded local
24 service option." Tell this Utility, if you can, to
25 bring forward its new tariff structure with simple,

1 clear charges in plain, comprehensible English so that
2 the public can participate at a level beyond standing
3 before you asking what all this means.

4 If you can't, then let's ask our elected
5 officials to change your mandate so you may truly
6 regulate and not just respond.

7 Commissioners, you think you're in the center
8 but I don't think you are. As Supreme Court Justice
9 Felix Frankfurter has said, "There is no greater
10 inequality than the equal treatment of unequals."

11 Thank you. (Applause)

12 COMMISSIONER LAUREDO: Could you come back so
13 I can ask you a question?

14 It's very difficult to respond to your very
15 articulate presentation. But I have one thing that
16 caught my attention; there's one thing that I haven't
17 made a final decision, which, after all is going to be
18 philosophical and that's lifeline. And you started
19 your presentation by alluding to the fact that it's
20 going against the trend in this country of moving away
21 from dependency and making sure --

22 WITNESS TROWBRIDGE: What we hope will be --

23 (Simultaneous conversation.)

24 COMMISSIONER LAUREDO: That caught my
25 attention because I share that philosophy. That's one

1 of the reasons this country is in the trouble it is in.
2 And then you went on to make a presentation. Could you
3 go over that again about what you --

4 WITNESS TROWBRIDGE: Sure. But first of all --

5 COMMISSIONER LAUREDO: So I imagine that,
6 before you answer me, that you are against lifeline as
7 presented and you're presenting an alternative.

8 WITNESS TROWBRIDGE: Well, I'm presenting an
9 alternative. As a matter of fact, if all we can get is
10 lifeline, then, half a loaf is better than no loaf at
11 all. And because of the stipulation, one of the tenets
12 of the stipulation as I understand it and as I quick
13 read it is that there will be no application for any
14 type of measured service; and the way I describe my
15 lifeline proposal is measured service. Of course,
16 there's also the tenet in it that we recognize that
17 we're in a fluid telecommunications environment and
18 that -- so, what I'm saying is there would have to be
19 some give and take by the various parties in order to
20 allow this.

21 But what I'm suggesting is a system very much
22 like California has, which is, we will give you a
23 telephone, regardless of your status in any public
24 welfare program you're involved in. We'll basically
25 assume that everybody in this state has a right to a

1 telephone. That doesn't necessarily mean they have the
2 right to use it.

3 We want to get the phone in the building so
4 that they can call 911, so that they can call a doctor,
5 et cetera. If they want anything above that, if they
6 really want to use that phone to talk to friends, that
7 type of thing, then let people pay the going rates.
8 We'll subsidize that.

9 So the plan as I propose it is, you put it in
10 cheap; you charge a real small amount, a pittance per
11 month but you charge something like, off the top of my
12 head, 25 cents a call, or maybe 50 cents a call, or
13 maybe give people three calls a month and that's it.
14 Because, if people really want to use this phone for
15 something other than peace of mind, other than the fact
16 that's it's there 24 hours a day and that they can use
17 it as a public policy matter to call the fire
18 department, call an ambulance --

19 COMMISSIONER LAUREDO: But you would not --
20 I'm sorry, I misunderstood you from the first time. I
21 thought you would use some sort of criteria.

22 WITNESS TROWBRIDGE: No, I say offer it to
23 everyone.

24 COMMISSIONER LAUREDO: So you mean every
25 citizen in the state gets a phone?

1 WITNESS TROWBRIDGE: Every citizen in the
2 state could conceivably get a phone cheap. But you
3 see, the distinction is that we have phones in our
4 house for more reasons than simply to have them there
5 as a physical object or as a lifeline. And to me
6 that's what the term "lifeline" means. We price this
7 with a measured rate pricing structure so that if
8 people start picking up this phone to call their
9 brother, if people start using it for fax machines, if
10 people start --

11 COMMISSIONER LAUREDO: I understand that. I
12 just thought -- you threw me off because if you have
13 some sort of criteria --

14 WITNESS TROWBRIDGE: No, I say --
15 (Simultaneous conversation.)

16 COMMISSIONER LAUREDO: -- because the people
17 that need it, would make more sense to me.
18 Unfortunately, I disagree with you. Because then you
19 would be kind of a hybrid system, whereby you would
20 address the needs of some senior citizens that we heard
21 on low income that can't afford full service but need
22 it because of -- that's why the word "lifeline" came
23 in. Because literally it's a line to life, health, and
24 there are some of them who live alone, it's their only
25 communication to the outside world. And that's kind of a

1 unique way of putting a relatively cheap service in place
2 and then charge what would be a higher standard and that way
3 the rest of the community wouldn't have to subsidize it.
4 And it wouldn't be something that would be abused because in
5 the whole dependency, but I guess you --

6 WITNESS TROWBRIDGE: Well, I'd submit that we
7 wouldn't really be subsidizing it either if people
8 really used these phones. Because if you use the phone
9 under the plan I propose, it's not too long before, on
10 a call-by-call basis, you're paying what you would --

11 COMMISSIONER LAUREDO: But what you're
12 arguing for by expanding it, and I don't -- I mean,
13 this is why I like these meetings, people come up with
14 interesting ideas. It's nothing more than a deviation of
15 measured service that they've proposed and we got almost
16 unanimous response that everybody didn't want it.

17 WITNESS TROWBRIDGE: You did. You did. I believe
18 you got people who did not like measured service.

19 COMMISSIONER LAUREDO: We didn't hear from
20 anybody in 16 hearings I've been to, I think, I didn't
21 hear from one person who did like it.

22 WITNESS TROWBRIDGE: Well, I'm sure, because
23 the measured service that was proposed was an expensive
24 measured service. And I think if you suggested to
25 somebody that we'll put your phone in for \$5 and we'll

1 charge you \$2 a month.

2 COMMISSIONER LAUREDO: If you can submit your
3 thoughts just on lifeline in writing to me, I would
4 appreciate it. I think it's --

5 WITNESS TROWBRIDGE: I'll be happy to.

6 COMMISSIONER LAUREDO: -- an interesting
7 concept.

8 WITNESS TROWBRIDGE: Thank you, Commissioner.
9 Any other questions?

10 MR. CRISER: Mr. Trowbridge, just one
11 comment.

12 WITNESS TROWBRIDGE: Certainly.

13 MR. CRISER: We do have in our -- to make sure
14 that you're aware of it, we do have in our service territory
15 a message rate service for local service.

16 MR. TROWBRIDGE: Oh, I know you do.

17 MR. CRISER: In the Melbourne area, the
18 access rate is about 60% of the normal flat rate and
19 then customers pay 10 cents a call. And that will not
20 go away because of this agreement.

21 WITNESS TROWBRIDGE: I know you do, but my
22 response on message rate was specifically to hunting,
23 that you do not charge for hunting in message rate.

24 And I would ask you, sir, to go on record in
25 this stipulation the same way you've gone on record

1 tonight -- and I assume you were sworn as well as I was
2 -- to make this stipulation what you said it was, which
3 is, put a cap on measured business, put a cap on all
4 the rates, not just the rates you stipulate to in the
5 docket.

6 MR. CRISER: I believe that what I said is the cap
7 is on basic access rates, that covers both flat rate and
8 message rate. And if there is a measured rate for business,
9 it applies to that as well for the access service.

10 WITNESS TROWBRIDGE: That is not what the
11 stipulation reads.

12 COMMISSIONER LAUREDO: Well, you didn't -- I
13 don't think -- sometimes we talk but we don't listen to
14 each other.

15 I think he tried to tell you that your idea,
16 part of it at least, is already in place. That is that
17 they have a system -- a rate here in Melbourne where
18 you have a very low or 60% of the basic service and a
19 10-cent per call charge. It's kind of a slight
20 deviation on the same thing.

21 WITNESS TROWBRIDGE: No. I understand LMB is
22 in.

23 COMMISSIONER LAUREDO: Okay.

24 WITNESS TROWBRIDGE: And maybe we don't --
25 what I'm talking about is hunting. And for the record,

1 I would ask you to cap measured rates. And I would submit
2 that the reason, once again, my opinion, that measured rates
3 weren't capped is that you really do plan to increase them
4 through the addition of a hunting charge.

5 I mean, we can't really have it both ways.
6 If Public Counsel and Southern Bell is going to say,
7 "Gee, you're getting a rate reduction because you're
8 not going to pay for Touch-Tone anymore," then, we also
9 have to say, "Gee, you're going to get a rate increase
10 because all of a sudden we're going to start charging
11 you for hunting when, in fact, we have never charged
12 you for it before." In the case of 1MB service.

13 Other questions?

14 COMMISSIONER LAUREDO: Thank you.

15 WITNESS TROWBRIDGE: Thank you.

16 (Witness Trowbridge excused.)

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1 MR. BECK: A. Helsrich.

2 ANN HELSRICH

3 was called as a witness on behalf of the Citizens of
4 the State of Florida and, having been duly sworn,
5 testified as follows:

6 WITNESS HELSRICH: My name is Ann Helsrich.

7 I live at 2123 Leewood Boulevard in Melbourne. And I'm
8 afraid he's going to be a hard act to follow.

9 I just wanted to state that I do not wish
10 charges on local calls. And I believe that gentleman
11 said that that has been included in this that was
12 passed in Tallahassee today? Is that part of it that's
13 supposed to be taken care of in this?

14 CHAIRMAN DEASON: Yes, ma'am. The proposal
15 would eliminate local measured service.

16 WITNESS HELSRICH: Because I don't make long
17 distance calls, very few. I use my phone locally. If
18 I want to make a long distance call, I'm willing to pay
19 for it.

20 I don't mind paying for Touch-Tone. I have
21 Touch-Tone phones. But I think that everyone should be
22 entitled to a choice of whether they want to pay for
23 local calls or if they don't. And I surely don't think
24 it's fair for us to be charged for local calls.

25 COMMISSIONER LAUREDO: It's dead. It's gone.

1 WITNESS HELSRICH: That's great, I'm glad to
2 hear it. Thank you.

3 (Witness Helsrich excused.)

4

5 CHAIRMAN DEASON: I think we do need to
6 clarify, though, that the stipulation which was reached
7 this morning between the Office of Public Counsel and
8 Southern Bell is just that, an agreement between them.
9 There are other parties to the case which have not yet
10 agreed to it -- which may, but have not yet. And the
11 entire proposal has to be presented to the Commission
12 for the Commission to agree.

13 And it's also my understanding that the
14 stipulation is being presented and it is an all-or-none
15 proposal, either it is voted up in total or it is voted down
16 in total.

17 So this hearing tonight is not moot. We are
18 still receiving input. Perhaps the emphasis of that
19 input can be directed now towards the stipulation,
20 which would be appropriate, but it is not a foregone
21 conclusion that the stipulation will be approved.

22 It may very well be approved, but we will not
23 know that until that is formally presented to the
24 Commission and the Commission takes a vote on that. So
25 I just wanted to make sure that that is clarified.

1 MR. BECK: Mr. Chairman, that's all the
2 customers that have signed up ahead of time.

3 CHAIRMAN DEASON: Are there any other
4 individuals who wish to testify to the Commission this
5 evening? I think there is a lady in the back. Ma'am,
6 you need to come forward to the microphone and let me
7 ask, were you previously sworn?

8 COMMISSIONER LAUREDO: No, she came in late.

9 CHAIRMAN DEASON: You came in later. Okay,
10 if you will come to the microphone, I will swear you in
11 and then you can make your statement.

12 SIMONE WHITLOCK
13 was called as a witness on behalf of the Citizens of
14 the State of Florida and, having been duly sworn,
15 testified as follows:

16 CHAIRMAN DEASON: If you will give us your
17 name and address.

18 WITNESS WHITLOCK: My name is Simone
19 Whitlock, Norman Drive, Melbourne Village.

20 CHAIRMAN DEASON: Ma'am, could you spell your
21 last name, please?

22 WITNESS WHITLOCK: W-H-I-T-L-O-C-K. Did I
23 understand that we will not be charged for a local call
24 on time basis?

25 CHAIRMAN DEASON: There is a proposal that

1 was agreed to this morning by Southern Bell and the
2 Office of Public Counsel which would eliminate local
3 measured service. That proposal has to be presented to
4 the Commission and we will review it and either agree
5 to it or disagree with it. So the proposal right now
6 that is currently before the Commission would eliminate
7 local measured service.

8 WITNESS WHITLOCK: And when will we know
9 that?

10 CHAIRMAN DEASON: We anticipate that the
11 stipulation which has been referred to this evening
12 will be presented to the Commission on January the
13 18th, and you should have an answer on that day.

14 WITNESS WHITLOCK: Very good. I think for
15 the elderly it would be good to not have an extra
16 charge. A lot of people can only stay alive by
17 communicating to friends at length or they will end up
18 on the welfare role or in the nut house. And, really,
19 it is real important. Thank you.

20 CHAIRMAN DEASON: Thank you, ma'am.

21 (Witness Whitlock excused.)

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23 CHAIRMAN DEASON: Ma'am, if you will come
24 forward, and I assume you have not yet been sworn
25 either? Okay. I will put you under oath.

1 CHARLOTTE FRIEDLAND

2 was called as a witness on behalf of the Citizens of
3 the State of Florida and, having been duly sworn,
4 testified as follows:

5 CHAIRMAN DEASON: If you will give us your
6 name and address.

7 WITNESS FRIEDLAND: My name is Charlotte
8 Friedland, and I live at 2411 South Lee Avenue,
9 Melbourne.

10 I would like to address the situation about
11 the extended calling. Living in Melbourne, we can call
12 NASA; we can call Cape Canaveral at no extra charge,
13 but we can't call Titusville. And Titusville, of
14 course, is part of our county; it's the county seat,
15 and I was wondering could someone tell me, perhaps
16 Southern Bell, if this is in the future plans? Why we
17 cannot -- perhaps they could arrange to include
18 Titusville in the arrangement?

19 MR. CRISER: I'll borrow a comment from
20 Mr. Shreve earlier today. I think one of the intents
21 -- and Charlie keep me straight -- of the agreement is
22 that by agreeing to certain amounts of revenue
23 reductions in the outlying years allows the Commission
24 to consider different things, such as expanded calling
25 needs in the state, and apply that money where the

1 Commission -- we may make proposals, but where the
2 Commission agrees that that's the best application of
3 the money.

4 So calling routes like that can be addressed
5 under this agreement and money is set aside to deal
6 with those kinds of issues.

7 WITNESS FRIEDLAND: So perhaps that would be
8 addressed and considered? Do I understand that that
9 might be addressed and considered?

10 MR. BECK: Yes, the money is there. I
11 suspect long distance rates, in any event, are going to
12 go down across the state, and the money is there to
13 take care of expanded local calling when the that comes
14 up. I do not know whether there is a specific proposal
15 on the table for expanded calling between Melbourne and
16 Titusville; but should there be one, the money is there
17 to address that. Now, there are specific procedures to
18 go about to get a proposal on the table. We can surely
19 work with you on that.

20 WITNESS FRIEDLAND: I would appreciate it if
21 you did. Thank you.

22 CHAIRMAN DEASON: Thank you.

23 (Witness Friedland excused.)

24 - - - - -

25 CHAIRMAN DEASON: Are there other members of

1 the public who have not yet testified, who wish to make
2 a estimate this evening? Let the record reflect that
3 there are no other members of the public who have
4 identified themselves as wishing to make a further
5 statement.

6 I would like to take this opportunity to
7 thank everyone for coming out this evening. We
8 appreciate the comments that you have made.

9 As I indicated earlier, the proposal which
10 was agreed to this morning by Southern Bell and Public
11 Counsel, we anticipate, will be presented to the
12 Commission for consideration on January the 18th and it
13 will receive due consideration at that time. And I'm
14 sure that you can learn from local media as to what the
15 outcome of that is.

16 Once again, thank you for your comments and
17 these comments will be considered.

18 And with that, this hearing is adjourned.

19 (Hearing adjourned at 6:47 p.m.)

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1 F L O R I D A)
2 :
3 COUNTY OF LEON)

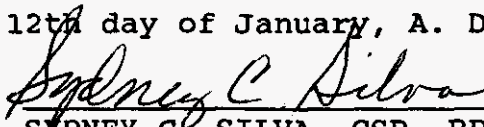
CERTIFICATE OF REPORTER

4 I, SYDNEY C. SILVA, CSR, RPR, Official
5 Commission Reporter,

6 DO HEREBY CERTIFY that the service hearing in
7 this cause, Docket Nos. 920260-TL, 910163-TL,
8 910727-TL, 900960-TL and 911034-TL was heard by the
9 Florida Public Service Commission at the time and place
10 herein stated; it is further


11 CERTIFIED that I stenographically reported
12 the said proceedings; that the same has been
13 transcribed under my direct supervision, and that this
14 transcript, consisting of 44 pages, inclusive,
15 constitutes a true transcription of my notes of said
16 proceedings.

17 DATED this 12th day of January, A. D., 1994.

18 
19 _____
20 SYDNEY C. SILVA, CSR, RPR
21 Official Commission Reporter
22 (904) 488-5981

23 STATE OF FLORIDA)
24 :
25 COUNTY OF LEON)

The foregoing certificate was acknowledged
before me this 12th day of January, 1994, by SYDNEY C.
SILVA, who is personally known to me.

26 
27 _____
28 PATRICIA A. CHURCH
29 Notary Public - State of Florida
30 COM NO. CC-90785
31 Notary Public, State of Florida
32 My Commission Expires April 20, 1995
33 Bonded Thru Troy Fain - Insurance Inc.

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of the FLORIDA TODAY a newspaper published in Brevard County, Florida; that the attached copy of advertising being a LEGAL NOTICE

in the matter of PUBLIC HEARING - THE FLORIDA PUBLIC SERVICE COMMISSION JANUARY 5, 1994 in the Court

was published in the FLORIDA TODAY NEWSPAPER in the issues of DECEMBER 22, 1993

Affiant further says that the said FLORIDA TODAY NEWSPAPER is a newspaper published in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as second class mail matter at the post office in MELBOURNE said Brevard County, Florida, for a period of one year next preceeding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

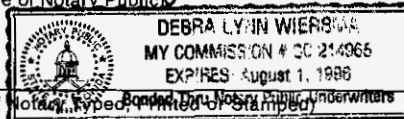
Handwritten signature of Sandra N. Thomas

(Signature of Affiant)

Sworn to and subscribed before me this 3 day of JANUARY 1994

Handwritten signature of Debra Lynn Wiersma

(Signature of Notary Public)



(Name of Notary, Typed, Printed or Stamped)

Personally Known X or Produced Identification

Type of Identification Produced

ly is calculated based on the actual number of students, but could include enhanced numbers. Some students, she said, are counted in more than one category, such as exceptional education students.

"On the surface, though, the governor's proposal is definitely an increase. It could take us back to per-student levels of 1990-91, when they were the highest ever, at \$2,609 per student," Preston said.

The next year, 1991-92, money for Brevard's public schools was cut by \$204 per student, then cut again by \$13 per student in 1992-93.

Last year, education money for Brevard schools went up by \$89 per student — or \$2,501 total — but still was \$128 less per student than in the 1990-91 budget year.

■ A \$6.5 million allocation for Brevard Community College, including \$4.4 million to buy additional land around its Florida Advanced Technology Center in Palm Bay.

BCC wants to use the land to expand its operation into a full-fledged campus by 1998 or 1999. The college wants to expand the 80-acre center to 125 acres so it will qualify as a campus and be eligible for state money to build a library, gymnasium, student center and a cafeteria.

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LEGAL NOTICE NOTICE OF PUBLIC HEARING

The Florida Public Service Commission has scheduled a public hearing in Docket No. 920260-TL. The purpose of this docket is to review Southern Bell's operations under its incentive sharing plan and to consider Southern Bell's proposal for extension of that plan. It will also consider the Company's proposed rate changes, including the proposed optional Expanded Local Service Plan, reductions in intraLATA access charges and certain custom calling feature rates, a restructuring of service order charges and a reduction of certain business line rates.

For the convenience of the public, the Florida Public Service Commission has also scheduled a service hearing as follows:

Wednesday, January 5, 1994—6:00 PM
Melbourne City Auditorium
Main Hall
625 East Hibiscus Boulevard
Melbourne, Florida

At the above time and place, members of the public may appear to testify as to their interest in this matter. All persons desiring to present testimony at the hearing should, if possible, bring bills or other documentations regarding their telephone service. Customers are urged to attend on time. If no customers are present, the hearing will be adjourned. The Public Counsel, the citizens' representative in matters before the commission, will be available at least 30 minutes prior to each hearing in order to meet members of the public who wish to testify. Prior to that time, inquiries should be directed to The Office of Public Counsel, c/o Florida House of Representatives, The Capitol, Tallahassee, Florida 32399-1300.