

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing to reduce	)	DOCKET NO. 910641-TL
the aggregated plans minimum usage per	)	ORDER NO. 24823
account per month by SOUTHERN BELL	)	ISSUED: 7/16/91
TELEPHONE AND TELEGRAPH COMPANY	)	
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 MICHAEL McK. WILSON

ORDER APPROVING TARIFF

BY THE COMMISSION:

On April 30, 1991, we approved Southern Bell Telephone and Telegraph Company's (Southern Bell or the Company) filing to introduce the Aggregated Optional Calling Plan (the Aggregated Plan). The Plan is a specifically designed LATAwide Toll Option Calling Plan (OCP) applicable to intrastate long distance calls. The Aggregated Plan permits large volume toll customers to purchase a block of time at a flat monthly rate for intraLATA long distance message telecommunications service. The service consists of three different plans requiring either 2500, 5000, or 7500 hours of guaranteed toll usage per month.

On May 7, 1991, Southern Bell participated in the Department of General Services' (DGS) invitation to bid on the intraLATA long distance portion of the SUNCOM system. The Company was awarded three centralized points in the LATA for customers to route traffic, or nodes, in the state. On May 22, 1991, Southern Bell filed this tariff proposing to lower the minimum hours of usage per account per month to comply with the terms of the bid awarded by the State of Florida. The Company plans to reduce the usage requirements as follows: Option 1 will be reduced from 2500 to 1500 hours of use; Option 2 will be reduced from 5000 to 2000 minimum hours; and Option 3 will be reduced from 7500 to 2500 hours. Option 3 is the part of the Aggregated Plan required for conformance to the restrictions in the terms of the bid awarded by the State of Florida for the intraLATA portion of the SUNCOM system. Southern Bell was awarded locations with a minimum monthly usage of 2800 hours, which is less than the 7500 hours in the initial tariff filing approved by this Commission. If Southern Bell does not reduce its minimum monthly usage levels for the

DOCUMENT NUMBER-DATE

07174 JUL 16 1991

-PSC-RECORDS/REPORTING

ORDER NO. 24823  
DOCKET NO. 910641-TL  
PAGE 2

Aggregated Plan, the Company would not be able to participate in the SUNCOM system and would forfeit the three nodes it was awarded.

On June 11, 1991, the Florida Interexchange Carriers Association (FIXCA) filed a petition for rejection of Southern Bell's proposed tariff filing to modify the Aggregated Plan. FIXCA asserts that Southern Bell's filing goes to the very heart of the access-coverage debate. FIXCA believes that formal hearings are needed to address the specific costs which local telephone company toll products must recover, and that Southern Bell should not be permitted to contractually capture customers for a three year period at rates which the Commission may later judge to be unacceptable. We disagree. Currently, Southern Bell's per minute rates for each plan cover access charges. If Southern Bell's rates become unacceptable during the contract period, this Commission can order the Company to adjust those rates.

FIXCA also contends that no evidence has been supplied to show that the Aggregated Plan's prices recover the tangible costs related to billing, collection, marketing and non-access related transmission. Again, we disagree. We believe that Southern Bell is adhering to the guidelines we have adopted and is adequately covering access charges and the cost of bulk billing and collection.

Alternatively, FIXCA asks that we reject Options 1 and 2 of the Aggregate plan, and adopt only the third option which conforms the tariff to the requirements of the bid awarded to Southern Bell by the state. We disagree. Southern Bell is not lowering the per minute rates, it is only lowering monthly usage requirements. We believe that Southern Bell's tariff proposal is appropriate. Therefore, we hereby deny FIXCA's petition and approve Southern Bell's tariff proposal as filed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition of the Florida Interexchange Carriers Association for rejection of Southern Bell Telephone and Telegraph Company's proposed tariff modifying the Aggregated Plan is hereby denied. It is further

ORDER NO. 24823  
DOCKET NO. 910641-TL  
PAGE 3

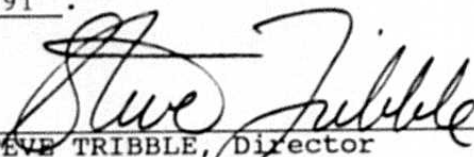
ORDERED that Southern Bell Telephone and Telegraph Company's proposed tariff filing to reduce the Aggregated Plan's minimum usage requirements is hereby approved, with an effective date of June 26, 1991. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall notify all customers of the proposed usage requirement reduction via a bill insert. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirement set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 16th  
day of JULY, 1991.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

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

ORDER NO. 24823  
DOCKET NO. 910641-TL  
PAGE 4

should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 8/6/91

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.