

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 930445-TL  
tariff filing to allow optional ) ORDER NO. PSC-95-1543-FOF-TL  
land-to-mobile calling plan to ) ISSUED: December 15, 1995  
apply to expanded local calling )  
area calls by BellSouth )  
Telecommunications, Inc. d/b/a )  
Southern Bell Telephone and )  
Telegraph Company (T-93-154 )  
filed 3/29/93). )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST AND CLOSING DOCKET

BY THE COMMISSION:

On March 29, 1993, BellSouth Communications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed a request for approval of a tariff revision to allow the optional land-to-mobile calling plan to apply to Expanded Local Calling Area calls. This tariff was filed by Southern Bell in response to customer complaints for charges which previously had been free and are now being billed on a per call basis.

On June 7, 1993, the Commission issued Order No. PSC-93-0845-FOF-TL approving Southern Bell's tariff amendment. On June 24, 1993, the Florida Pay Telephone Association (FPTA) filed a protest of Order No. PSC-93-0845-FOF-TL. FPTA argued that its members were harmed by the tariff amendment because of their inability to reprogram their "smart pay phones" in a manner to accommodate the new rate arrangement. FPTA did not seem to object to the tariff itself, but rather to the lack of available data for reprogramming purposes.

On July 14, 1993, Southern Bell filed a Motion to Dismiss FPTA's protest. Southern Bell responded to FPTA's objection by arguing that the tariff was not inherently harmful to FPTA members and moving for dismissal. Southern Bell further asserted that because any harm to FPTA members would be present in similar tariffs, that this matter would be best addressed in a workshop.

DOCUMENT NUMBER-DATE

12605 DEC 15 95

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-1543-FOF-TL  
DOCKET NO. 930445-TL  
PAGE 2

On July 26, 1993 FPTA filed a response to Southern Bell's Motion to Dismiss. Finally, on August 9, 1993, the Florida Mobile Communications Association, Inc. filed a petition to intervene in support of Southern Bell's motion to dismiss FPTA's protest.

On October 7, 1993, staff filed a recommendation that the Commission grant the Motion to Dismiss and close the docket. The recommendation stated:

Staff believes that this problem, if it exists, is systemic in nature rather than specific to the instant tariff. Accordingly, staff believes that the most effective and efficient mechanism for addressing this problem experienced by FPTA members would be a workshop and potentially a rulemaking proceeding.

At the October 19, 1993, agenda conference, we deferred ruling on the Motion to Dismiss and directed staff to conduct a workshop. The workshop was held on December 15, 1993.

Subsequently, Docket No. 940235-TL, Investigation into the rates for interconnection of mobile service providers with facilities of local exchange companies, was opened. Among the issues identified for resolution was "What procedures should be put in place to ensure that independent pay telephone providers are timely notified of NXX codes issued by the LECs for the Land-to-Mobile option?"

On September 27, 1995, the Florida Public Telecommunications Association (the successor organization to the Florida Pay Telephone Association) filed a Notice of Withdrawal of Petition Protesting Order No. PSC-93-0845-FOF-TL. In pertinent part, the pleading states: "... the Commission has reached a final determination in Docket No. 940235-TL that resolves all of the issues FPTA raised in its Petition. Accordingly, FPTA respectfully requests that the Commission acknowledge withdrawal of its Petition."

The withdrawal of the protest obviates the need for any further Commission action. Accordingly we acknowledge FPTA's Notice of Withdrawal of Petition Protesting Order No. PSC-93-0845-FOF-TL. Order No. PSC-93-0845-FOF-TL provided that, in the event of a protest, any increased revenues collected pursuant to the tariff should be held subject to refund. Given the withdrawal of the protest, these increased revenues, if any are hereby released.

ORDER NO. PSC-95-1543-FOF-TL  
DOCKET NO. 930445-TL  
PAGE 3

Based on the foregoing, it is

ORDERED be the Florida Public Service Commission that we acknowledge FPTA's Notice of Withdrawal of Petition Protesting Order No. PSC-93-0845-FOF-TL. Any increased revenues collected pursuant to the tariff and held subject to refund are hereby released. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of December, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

RVE

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.

ORDER NO. PSC-95-1543-FOF-TL  
DOCKET NO. 930445-TL  
PAGE 4

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/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 after the issuance 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.