**FLORIDA PUBLIC SERVICE COMMISSION**

 **Fletcher Building**

 **101 East Gaines Street**

 **Tallahassee, Florida 32399-0850**

 **M E M O R A N D U M**

 **November 22, 1993**

**TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING**

**FROM : DIVISION OF COMMUNICATIONS [CHASE]**

 **DIVISION OF LEGAL SERVICES [PIERSON]**

**RE : DOCKET NO. 931059-TL - REQUEST FOR APPROVAL OF A TARIFF FILING TO ELIMINATE THE NONRECURRING CHARGE FOR BLOCKING 900 AND 976 SERVICE TO COMPLY WITH RULE 25-4.110(10)(C), F.A.C., BY INDIANTOWN TELEPHONE SYSTEM, INC. (T-93-604, FILED 10/21/93)**

**AGENDA: DECEMBER 7, 1993 - REGULAR - CONTROVERSIAL - PARTIES MAY PARTICIPATE**

**CRITICAL DATES: 60 DAYS EXPIRES DECEMBER 20, 1993**

**SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\931059.RCM**

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 **DISCUSSION OF ISSUES**

**ISSUE 1:** Should Indiantown's request for approval of a tariff filing to eliminate the nonrecurring charge for blocking 900 and 976 service be approved?

**RECOMMENDATION:** Yes, Indiantown's request for approval of a tariff filing to eliminate the nonrecurring charge for blocking 900 and 976 service should be approved. The effective date of the tariff, if approved, should be December 20, 1993. In addition, Indiantown should refund the $10.00 charge, plus interest, to the six customers who were charged the $10.00 nonrecurring charge since the implementation of Rule 25-4.110(10)(c), F.A.C.

**STAFF ANALYSIS:**

**Introduction**

 The purpose of this filing is to eliminate the nonrecurring charge for blocking of 900 and 976 service. According to Rule 25-4.110(10)(c), F.A.C., there is to be no charge for the blocking of 900 or 976 services. In Indiantown's current tariff, there is no monthly recurring charge for the blocking, but there is a $10.00 nonrecurring charge.

 Indiantown's current tariff went into effect on January 31, 1992; however, the tariff was prepared and filed in Docket No. 891235-TL (Investigation into Indiantown's authorized return on equity and earnings) which was before the adoption of the rule. The rule went into effect on November 11, 1991. Indiantown states that "the rule was not widely disseminated until some time later and was apparently overlooked by the tariff approving authority."

**Customer Effect**

 Indiantown discovered that in November of 1991 that one customer was billed the $10.00 nonrecurring charge. In December 1991 five customers were billed the $10.00 nonrecurring charge. No customers have been billed for a nonrecurring charge for 900 or 976 blocking since December 1991. Indiantown has just recently discovered that the rule requires the tariff to reflect no nonrecurring or recurring charges for the blocking.

 Indiantown states that it will refund the $10.00 charge, plus interest, to the six customers as a credit on their next bill. The credit will include interest computed at 10% for two years, so the total credit will be $12.10.

**Conclusion**

 Although Indiantown was in violation of the Commission rule by having an incorrect tariff, staff is not recommending a show cause proceeding because in practice it has been following the rule since December 1991. Further, since Indiantown only incorrectly charged six customers and plans to refund those customers plus interest, staff believes a show cause proceeding is not necessary.

 Staff recommends that Indiantown's proposed tariff revisions be approved because it will bring them in compliance with the Commission's rules and regulations. The effective date of the tariff, if approved, should be December 20, 1993. In addition, Indiantown should refund the $10.00 charge, plus interest, to the six customers who were charged the $10.00 nonrecurring charge before the implementation of Rule 25-4.110(10)(c), F.A.C.

**ISSUE 2:** Should Docket No. 931059-TL be closed?

**RECOMMENDATION:** Yes, with the adoption of staff's recommendation in Issue 1, Docket No. 931059-TL should be closed. The tariff, if approved, should become effective December 20, 1993. If a protest is filed, the protested tariff should remain in effect with any increase held subject to refund pending resolution of the protest. If no timely protest is filed, the docket should be closed.

**STAFF ANALYSIS:** If no protest is filed by the conclusion of the protest period, Docket No. 931059-TL should be closed.

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