

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to make)	DOCKET NO.	911035-TL
definitional changes regarding terms)	ORDER NO.	25400
and conditions for connection of CPE)	ISSUED:	11/26/91
and wiring to the telephone network by)		
SOUTHERN BELL TELEPHONE AND TELEGRAPH)		
COMPANY)		

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

ORDER DENYING TARIFF

BY THE COMMISSION:

On September 9, 1991, Southern Bell Telephone and Telegraph Company (Southern Bell or the Company) filed tariff revisions reflecting changes made by the Federal Communications Commission (FCC) to Part 68 rules in FCC Docket No. 88-57. In that docket, the FCC has ordered all local exchange companies to modify their practices regarding the location of the demarcation point. In response, Southern Bell is requesting to make definitional changes regarding terms and conditions for connection of Customer Premises Equipment (CPE) and wiring to the telephone network.

On August 15, 1991, Southern Bell filed a petition to amend Rule 25-4.0345, Florida Administrative Code (the Rule), which applies to customer premises equipment and inside wire. The petition states that the Rule is in direct conflict with the FCC's decision and that the FCC Order effectively preempts the states regarding the location of demarcation points. Southern Bell's petition will be addressed in Docket No. 910869-TL. Given that Rules 25-22.010 through 22.018 provide the opportunity for a hearing in rulemaking proceedings, we believe that it would be inappropriate to consider definitional changes in the tariff before the rulemaking docket is concluded. The Company may resubmit its tariff filing when the Rule amendment proceeding is finalized. Accordingly, we hereby deny the tariff as filed.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's tariff filing proposing definitional changes regarding conditions for connection of customer premises equipment and wiring to the telephone network is hereby denied. It is further

ORDERED that this docket be closed following expiration of the protest period.

By ORDER of the Florida Public Service Commission, this
26th day of NOVEMBER, 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 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

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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 12/17/91

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.