

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for review of rates)	DOCKET NO. 860723-TP
and charges paid by PATS providers to)	ORDER NO. 22514
LECs)	ISSUED: 2-8-90
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO COMPLY WITH ORDER NO. 21614

BY THE COMMISSION:

By Order No. 21614, issued July 27, 1989, we proposed requiring all local exchange companies (LECs) to bill, collect, and remit to nonLEC pay telephone (PATS) providers the up to \$1.00 surcharge on 0- and 0+ intraLATA LEC-handled calls placed from nonLEC pay telephones. Additionally, we stated that the LECs should separately identify nonLEC pay telephone calls on customer bills as part of their billing and collection service. Finally, we required the LECs to file the necessary tariffs to implement these new requirements as soon as possible, but no later than January 1, 1990. No protest was filed to our proposal, so Order No. 21614 became final on August 18, 1989, as reflected in Order No. 21761, issued August 21, 1989.

Vista-United Telecommunications (Vista-United or the Company) filed a tariff proposal in response to Order No. 21614 that included a recurring charge of \$.11 per message and a nonrecurring charge of \$2068.00, payable at the time the service is established. At our December 19, 1989, Agenda Conference, we directed Vista-United to refile its tariff no later than December 22, 1989, to reflect a nonrecurring charge of \$30.00. Order No. 22385, issued January 9, 1990, reflects the decisions we made at our December 19, 1989, Agenda Conference, including the requirement that all LECs hold the nonrecurring charges subject to refund, effective January 1, 1990, pending our further investigation into the matter of the nonrecurring charges.

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Vista-United subsequently refiled its tariff to reflect the reduction in the amount of its nonrecurring charge. Additionally, on December 22, 1989, the Company filed a Motion for Extension of Time to comply with Order No. 21614. Specifically, Vista-United has requested that it be allowed until March 1, 1990, to make the required changes to its billing system to perform the functions required by Order No. 21614. As grounds for its request, Vista-United states that because of the high costs involved in making the necessary programming changes, coupled with the fact that it has only two nonLEC PATS providers operating within its territory, it delayed initiation of the programming changes until after the Commission ruled on the appropriateness of its nonrecurring charge.

Upon consideration, we find it appropriate to grant Vista-United's Motion for Extension of Time. The Company shall complete all of the actions necessary to comply with the requirements of Order No. 21614 no later than March 1, 1990. Until such action is completed, the Company shall be required to determine the number of calls to which the surcharge applies and to remit the same to the nonLEC PATS provider, effective January 1, 1990, for any nonLEC PATS provider entering into a written agreement with Vista-United to subscribe to the service when it becomes available.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion for Extension of Time filed on December 22, 1989, by Vista-United Telecommunications is approved to the extent outlined in the body of this Order. It is further

ORDERED that Vista-United Telecommunications shall complete all of the actions necessary to comply with Order No. 21614 on or before March 1, 1990. It is further

ORDERED that until Vista-United Telecommunications can fully comply with the requirements of Order No. 21614, it shall utilize an alternative method that complies with the terms and conditions set forth herein. It is further

ORDERED that this docket shall remain open.

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By ORDER of the Florida Public Service Commission,
this 8th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

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 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 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

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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.