

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for waiver of) DOCKET NO. 951335-TL
Rule 25-4.109(7), F.A.C.,) ORDER NO. PSC-96-0102-FOF-TL
pertaining to customer deposits,) ISSUED: January 18, 1996
by BellSouth Telecommunications,)
Inc. d/b/a Southern Bell)
Telephone and Telegraph Company.)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING EXEMPTION FROM RULE REGARDING
LENGTH OF TIME CUSTOMER DEPOSITS MAY BE
RETAINED FOR OLYMPIC NETWORK SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On November 8, 1995, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) filed a petition for exemption from the portion of Rule 25-4.109(7), Florida Administrative Code, which pertains to the length of time it may retain a customer deposit, for Olympic Network Service (ONS). Rule 25-4.109(7), Florida Administrative Code, states:

Receipt for Deposit. A non-transferable certificate of deposit shall be issued to each customer and means provided so that the customer may claim the deposit if the certificate is lost. The deposit receipt shall contain notice that after ninety (90) days service, the subscriber is entitled to refunds of any deposit over and above an amount equal to one month's local service plus two months' average toll service provided by or billed by the LEC.

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ONS is a temporary service for the preliminary events of the 1996 Olympics. Southern Bell believes that most subscribers to ONS will generate little, if any, usage until the games begin and, at that time, usage will be substantial for a short period of time. Given the above circumstance and the difficulty of estimating the ultimate level of toll usage in any given case, it may not be possible for Southern Bell to obtain an adequate deposit from ONS customers to secure payment. Accordingly, Southern Bell's request for exemption from that portion of Rule 25-4.109(7), Florida Administrative Code, which pertains to the length of time it may retain a customer deposit, is granted. Southern Bell may retain deposits from ONS customers until they terminate service.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petition by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for exemption from the portion of Rule 25-4.109(7), Florida Administrative Code, which pertains to the length of time it may retain a customer deposit, is granted, and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company may retain deposits from Olympic Network Service customers until they terminate service. It is further

ORDERED that, unless a person whose substantial interests are affected files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial review, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 18th day of January, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

(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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 8, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective on the date described above, any party substantially 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 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 of the effective date 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.