

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 950840-TL
tariff filing to allow non-LEC)
pay telephone providers to)
subscribe to flat-rate, single)
line business service, required)
by Section 364.3375(2)(e), F.S.,)
by BellSouth Telecommunications,)
Inc., d/b/a Southern Bell)
Telephone and Telegraph Company.)
(T-95-438 filed 7/14/95))

In Re: Request for approval of) DOCKET NO. 950841-TL
tariff filing to allow non-LEC) ORDER NO. PSC-96-0441-FOF-TL
pay telephone providers to) ISSUED: March 29, 1996
subscribe to flat-rate, single)
line business service, required)
by Section 364.3375(2)(e), F.S.,)
by GTE Florida Incorporated. (T-)
95-426 filed 7/11/95))

ORDER REQUIRING FILING OF TARIFFS

BY THE COMMISSION:

Section 364.3375(2)(e), Florida Statutes, was created by the revisions to Chapter 364 in 1996. The new Section 364.3375(2)(e), Florida Statutes, says that each pay telephone station shall "be eligible to subscribe to flat-rate, single-line business local exchange services." Each of the local exchange companies (LECs) filed tariffs to comply with the new statute. On October 5, 1995, we issued Order No. PSC-95-1237-FOF-TL, denying the tariffs and restructuring the interconnection arrangements for non-LEC pay telephone providers (NPATS). That Order requires the LECs to allow NPATS to subscribe to: (1) measured NPATS service; (2) B-1 service with blocking, screening, and expanded calling charged at B-1 rates; or (3) NPATS service, with access lines at B-1 rates, and blocking, screening, and ECS calls at NPATS rates.

GTE Florida Incorporated (GTEFL) filed a tariff that did not offer Option 2, above. On October 26, 1995, after being informed that our staff did not believe the tariff complied with the Order, GTEFL filed a protest to the portion of Order No. PSC-95-1237-FOF-TL that requires LECs to offer B-1 service at B-1 rates to NPATS. On the same day, BellSouth Telecommunications, Inc. (BellSouth) filed a similar protest.

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FPSC-RECORDS/REPORTING

BellSouth and GTEFL waived their right to a full hearing and agreed to resolve their protests at an Agenda Conference. After reviewing the petitions and hearing arguments at Agenda, we find Section 364.3375(2)(e), Florida Statutes, requires local exchange companies to offer B-1 service to NPATS at B-1 rates and order the companies to file tariffs stating they will offer that service upon request.

Section 364.3375(2)(e), Florida Statutes, requires that each pay telephone station shall "be eligible to subscribe to flat-rate, single-line business local exchange services." In Order No. PSC-95-1237-FOF-TL (Order), we found the statute "allows NPATS to subscribe to B-1 service, not PATS service at B-1 rates." Order at p. 4. The Order specifically rejected the Florida Public Telecommunications Association's argument that Section 364.3375(2)(e) required NPATS service be provided B-1 rates. Id.

We understand that the statute leads to an unusual result. B-1 rates for ECS calls are significantly higher than NPATS rates for ECS calls. Blocking and screening options available to NPATS may not be available to B-1 customers. It is unlikely that NPATS will subscribe to this option. To deal with the problem, Order No. PSC-95-1237-FOF-TL ordered the LECs to comply with the plain meaning of the statute and offer B-1 service at B-1 rates. We further restructured LEC interconnection rates to allow NPATS to purchase an access line at the prevailing B-1 rate but retain current NPATS rates for blocking, screening, and ECS calls.

It is unlikely that NPATS will choose B-1 service at B-1 rates when the LECs also offer NPATS service at B-1 rates. However, the statute is not permissive. It says that NPATS must "be eligible to subscribe to flat-rate, single-line business local exchange services." This statute presents us with the problem of how to comply with the plain meaning of the statute and still offer rate relief to NPATS. Our solution complies with the plain meaning of the statute by ordering LECs to offer B-1 service at B-1 rates and restructuring the NPATS interconnection rates to give rate relief to NPATS.

We find that Section 364.3375(2)(e), Florida Statutes, requires local exchange companies to offer B-1 service to non-local exchange company pay telephone providers. To comply with this statute, the companies are ordered to file tariffs stating that the service is available upon request.

It is, therefore,

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ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. shall file a tariff to offer, upon a request by NPATS, B-1 service with B-1 blocking, screening, and extended calling rates. It is further

ORDERED that once BellSouth Telecommunications, Inc. files a tariff in compliance with Order No. PSC-95-1237-FOF-TL, Docket No. 950840 shall be closed. It is further

ORDERED that GTE Florida Incorporated shall file a tariff to offer, upon a request by NPATS, B-1 service with B-1 blocking, screening, and extended calling rates. It is further

ORDERED that once GTE Florida Incorporated files a tariff in compliance with Order No. PSC-95-1237-FOF-TL, Docket No. 950841 shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of March, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

LMB

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.

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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.