

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of rules and requirements to allow deposit requirement in long distance tariff by Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance Pacific Bell Long Distance d/b/a SBC Long Distance.

DOCKET NO. 000713-TI
ORDER NO. PSC-00-2231-PAA-TI
ISSUED: November 22, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PETITION FOR WAIVER OF BOND REQUIREMENT

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 June 14, 2000, we received a petition from Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance d/b/a SBC Long Distance (SBCS, Inc.) seeking a waiver of Rule 25-24.490(2), Florida Administrative Code. The basis for seeking a waiver is set forth in the rule itself. The rule requires that a company maintain on file with the Commission a bond covering its current balance of deposits and advance payments from its customers. In the alternative, we may waive the bond

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requirement if the company demonstrates that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long run.

Rule 25-24.490(2), Florida Administrative Code, Customer Relations; Rules Incorporated, provides two alternatives for the protection of the interexchange carriers (IXCs) and consumers. The first alternative is a bond, and the second alternative, to be approved by us, is a showing of fiscal responsibility. SBCS, Inc. is requesting in this petition that we approve the second alternative.

Rule 25-24.490(2), Florida Administrative Code, states as follows:

An interexchange company may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service.) A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.

Upon consideration, we find that SBCS, Inc.'s liquidity and ability to raise funds in the public capital markets are adequate to demonstrate that it has the financial means to continue operations over the long term. Accordingly, we grant SBSC, Inc.'s Petition and thereby the bond requirement in Rule 25-24.490(2), Florida Administrative Code, is hereby waived.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Waiver of Rules and Requirements to Allow Deposit Requirement in Long Distance Tarrif filed by Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance

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d/b/a Nevada Bell Long Distance d/b/a Pacific Bell Long Distance
d/b/a SBC Long Distance is hereby granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd
day of November, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, 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 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 December 13, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.