

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Telecommunications) DOCKET NO. 910496-TP
Access System Act of 1991) ORDER NO. PSC-92-0281-FOF-TP
ISSUED: 05/04/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER INCREASING SURCHARGE AND SETTING
FORTH REQUIREMENTS FOR LOCAL EXCHANGE
COMPANIES AND THE PROVIDER

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

The Telecommunications Access System Act of 1991, Chapter No. 91-111, Law of Florida, became effective May 24, 1991.

PART I - SURCHARGE

At the April 21, 1992, agenda conference, we determined that the Telecommunications Access System Act (TASA) surcharge be increased from \$.05 to \$.10, to assure that the relay system and the equipment distribution system are adequately funded.

The local exchange companies should notify the customers of the increased surcharge via a bill stuffer. Consistent with Order No. 24581, the surcharge should be shown as a separate line item on the bill for the month where the increase is first applied. The local exchange companies do not need to file revised tariffs since the current tariffs describe the surcharge and do not specify the exact amount. The increased surcharge should be effective July 1, 1992.

DOCUMENT NUMBER-DATE

04339 MAY-4 1992

FPSC-RECORDS/REPORTING

PART II - RECEIVING AND BILLING RELAY TRAFFIC

Local Exchange Companies -

We voted at the April 21, 1992, agenda conference that:

Local Exchange Companies file tariffs by May 15 to be effective June 1, 1992, to discount relay calls by 50 percent of the otherwise applicable rate; except that where a calling or called party is both hearing and visually impaired, the call shall be discounted a total of 60 percent off of the otherwise applicable rate.

Provider

At the April 21, 1992 agenda conference, we also agreed that MCI, the relay provider must file tariffs by May 15, to be effective June 1, 1992, to discount relay calls by 50 percent of the otherwise applicable rate; except that where a calling or called party is both hearing and visually impaired, the call shall be discounted a total of 60 percent off of the otherwise applicable rate.

Interexchange Companies

At the April 21, 1992, agenda conference, we also voted that any Interexchange Company (IXC) desiring, at its option, to receive relay traffic must file tariffs which discount such relay calls by 50 percent of the otherwise applicable rate; except that where a calling or called party is both hearing and visually impaired, the call shall be discounted a total of 60 percent off of the otherwise applicable rate.

PART III - SEVERABILITY CLAUSE

Any party desiring to protest this Order should clearly indicate whether they are protesting Part I-Surcharge; Part II- Receiving and Billing Relay Traffic; or Part III-Severability Clause.

In the event that any portion of this Order is challenged, the unchallenged portions shall go into effect and be severed from the challenged portion.

ORDER NO. PSC-92-0281-FOF-TP
DOCKET NO. 910496-TP
PAGE 3

Therefore, based on the foregoing, it is

ORDERED that effective July 1, 1992, the surcharge shall be increased from \$.05 to \$.10. It is further

ORDERED that the LECs shall notify the customer of the increased surcharge and the opening of the relay system via a bill stuffer. It is further

ORDERED that the surcharge should be shown as a separate line item on the bill for the month where the increase is first applied. It is further

ORDERED that the local exchange telephone companies shall accept calls from the telecommunications relay center; and

ORDERED that the local exchange telephone companies shall be required to file the above described tariffs by May 15, 1992. It is further

ORDERED that MCI, the relay provider shall file the above described tariffs by May 15, 1992. It is further

ORDERED that IXCs shall file the above described tariffs by May 15, 1992, only if, at their discretion, they desire to receive relay calls. It is further

ORDERED that each requirement is separate and severable and that if any portion of the Order is challenged, the remaining portions shall go into effect. It is further

ORDERED that Docket No. 910496-TP shall remain open.

By ORDER of the Florida Public Service Commission, this 4th day of May, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
CBM

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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 25, 1992.

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 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 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.