

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
Amendment of Rule 25-4.0345,
F.A.C., Customer Premises
Equipment and Inside Wire,
by Southern Bell Telephone
and Telegraph Company.

) DOCKET NO. 910869-TL
)
) ORDER NO. PSC-92-0301-FOF-TL
)
) ISSUED: 05/06/92
)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING PETITION FOR AMENDMENT OF RULE 25-4.0345,
F.A.C., CUSTOMER PREMISES EQUIPMENT AND INSIDE WIRE
BY SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

BY THE COMMISSION:

By petition, Southern Bell Telephone and Telegraph Company asked the Commission to amend Rule 25-4.0345, F.A.C., entitled "Customer Premises Equipment and Inside Wire". Petitioner claims that the Federal Communications Commission (FCC) has ordered all Local Exchange Companies (LEC) to modify their practices regarding the location of the demarcation point, and that the FCC's new requirements effectively preempt the states with regard to the location of demarcation points. Petitioner asserts that Rule 25-4.0345, F.A.C., conflicts with the FCC requirements and asks that the rule be amended to conform with the FCC's requirements. Additionally, Petitioner suggests language to amend the rule.

We believe that the issues relating to the definition and location of the demarcation point should be explored fully in the context of a rulemaking proceeding. Therefore, we approve the initiation of rulemaking to address those issues.

We also note that granting this petition does not operate to adopt the amendments as proposed by the petitioner. The proposed changes are subject to the rulemaking process, including the review and suggestions of other interested persons.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Based upon the foregoing it is:

ORDERED that the Petition for Amendment of Rule 25-4.0345, F.A.C., by Southern Bell Telephone and Telegraph Company is hereby granted.

BY ORDER of the Florida Public Service Commission, this 6th day of May, 1992.



STEVE TRIBBIE, Director
Division of Records and Reporting

(S E A L)

WEW

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 hearings 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.