

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff to make) DOCKET NO. 920307-TI
text changes and place a limit) ORDER NO. PSC-92-0392-FOF-TI
on exemptions for handicapped) ISSUED: 05/26/92
initiated directory assistance)
inquiries by AT&T COMMUNICATIONS)
OF THE SOUTHERN STATES.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING ATT-C'S TARIFF TO MAKE TEXT CHANGES,
REQUEST FOR WAIVER OF RULE 25-4.115(3)(a) AND TARIFF TO LIMIT
EXEMPTIONS FOR HANDICAPPED INITIATED DIRECTORY ASSISTANCE INQUIRIES

BY THE COMMISSION:

On April 1, 1992, AT&T Communications of the Southern States (ATT-C or the Company) filed a proposed tariff to make text changes to its General Services Tariff. AT&T-C also requests a waiver of Rule 25-4.115(3)(a), Florida Administrative Code, and proposes a revision to its General Services Tariff which would place a limit on the number of Directory Assistance (DA) inquiries that can be made without charge by the handicapped.

I. Tariff

The text changes proposed by ATT-C add clarity to how hearing and speech impaired persons are billed for MTS calls at reduced rates. In addition, once a hearing or speech impaired customer is recognized as handicapped by ATT-C, the rate reduction will be applied to the current bill rather than the subsequent bill as is currently specified. We approve ATT-C's proposed text changes.

ATT-C also proposes a revision to its General Services Tariff which would place a limit on the number of DA inquiries that can be made without charge by the handicapped. Rule 25-4.115(3)(a) currently places no limit on the number of DA inquiries that can be made without charge by the handicapped. Hence, in conjunction with its proposed tariff revision, ATT-C requests a waiver of

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Rule 25-4.115(3)(a). For the reasons discussed in Section II, we approve ATT-C's tariff to limit exemptions for handicapped initiated directory assistance inquiries.

II. Rule Waiver

AT&T-C requests a waiver of Rule 25-4.115(3)(a) and proposes that a limit be placed on exemptions for handicapped initiated directory assistance inquiries. As detailed in Rule 25-4.115(3)(a), handicapped individuals are currently allowed an infinite number of long distance DA inquiries at no charge. ATT-C has found that some businesses have hired handicapped individuals to make long distance DA inquiries from their homes. By paying these individuals something less than the tariffed rate, the businesses reduce the cost they would incur if they themselves were to make the inquiries. ATT-C views this as an abuse of the intent of the Commission's rule.

Because of abuses, ATT-C requests that a maximum of 50 free DA inquiries per billing cycle be allowed for handicapped individuals. After 50 free DA inquiries, ATT-C proposes that all further inquiries be charged at the current intrastate rate of \$.40.

The company contends that 50 free DA inquiries is more than sufficient to meet customer needs. The average number of DA inquiries made by ATT-C's general customer population is less than 1 per month. In comparison, ATT-C has provided information on the number of handicapped initiated DA inquiries made during March 1991 and June 1991. The greatest number of inquiries were between 0 and 6 while no individual made more than 25 inquiries in either month.

Staff notified the Advocacy Center for Persons with Disabilities, Inc. upon receipt of the tariff proposal. In conversations with staff, the Center indicated that it also considers this an abuse of the intent of the Commission's rule. While the Center is not adverse to capping the number of calls, it did express some reservations that 50 may be too few. Staff advised the Center that ATT-C has indicated to staff that the Company will attempt to accommodate its customers who express a legitimate need for more than 50 free DA inquiries. This seemed to allay the fears of the Center.

We find merit in ATT-C's position that "subcontracting" handicapped individuals to perform DA inquiries was not the intent of the exemption. A waiver will stop the "subcontracting" of the handicapped individuals' privileges by businesses. In order to not

delay curtailment of the abuse, we approve a waiver of Rule 25-4.115(3)(a), pursuant to the authority to waive Commission rules provided for in Rule 25-4.002(2) and (3), Florida Administrative Code. Because the abuse problem may be widespread, the waiver is effective for all carriers, LECs and IXCs. Finally, we conclude that the waiver only will be effective subject to the condition that ATT-C file, within 90 days, a petition for a rule change. We approve the waiver and tariff with an effective date of May 5, 1992 on the condition that ATT-C agrees to file a petition for a rule change within 90 days of the issuance date of this Order.

We conclude that the data presented by ATT-C and ATT-C's recognition of situations where greater latitude may be needed and its willingness to deal with those situations indicate that a cap of 50 DA inquiries is considerably generous. Therefore, we approve ATT-C's request to cap DA inquiries.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that AT&T Communications of the Southern States tariff to make text changes to its General Services Tariff is approved with an effective date of May 5, 1992. It is further

ORDERED that AT&T-C's request for waiver of Rule 25-4.115(3)(a) is approved, subject to the condition that ATT-C file, within 90 days of the issuance date of this Order, a petition for a rule change. It is further

ORDERED that AT&T-C's revision to its General Services Tariff which places a limit of 50 calls for handicapped initiated directory assistance inquiries is approved with an effective date of May 5, 1992. It is further

ORDERED that if a timely protest is filed pursuant to the requirements set forth below, all increased revenues resulting from this tariff filing shall be held subject to refund. It is further

ORDERED that if no protest is received within the time frame set forth below, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th
day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRW

by: Kay Hagan
Chief, Bureau of Records

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 Commission's decision on the tariff in Section I is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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 June 16, 1992.

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

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 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 sewer 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 date this Order becomes final, 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.

Any party adversely affected by the Commission's final action in Section II in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting 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 or sewer 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.