

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of ) DOCKET NO. 920836-TL  
tariff filing to change the ) ORDER NO. PSC-92-1038-FOF-TL  
definition of "Company" and allow) ISSUED: 09/23/92  
denial of service for monies owed)  
in other states by BELLSOUTH )  
TELECOMMUNICATIONS, INC. d/b/a )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
\_\_\_\_\_ )

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

ORDER SUSPENDING TARIFF FILING

BY THE COMMISSION:

I. BACKGROUND

On July 13, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company) filed a tariff proposing to change the definition of "company" to "BellSouth Telecommunications, Inc." and to add a provision that allowed the Company to refuse to provide service to applicants that are indebted for regulated charges in any other state in which BellSouth Telecommunications operates.

Several years ago, it became apparent that Southern Bell had a policy in some instances to deny service to an applicant due to outstanding debts to the Company in other states. Because of the questions surrounding this policy, our Staff met with Southern Bell in an attempt to resolve the matter. As a result of that meeting, our Staff questioned the policy because this practice was not allowed under Southern Bell's current tariffs. The instant tariff was filed in response to these questions.

II. DISCUSSION

A review of this filing indicates that Southern Bell would be allowed to refuse service to a potential Florida subscriber who has and outstanding debt for telephone service in any other state in which BellSouth Telecommunications operates.

DOCUMENTARY OF DATE

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PSC-RECORDS/REPORTING

The provisions of the tariff raise two principal concerns. The first concern deals with the request to change the definition of "Company" to "BellSouth Telecommunications, Inc." The second is with the request for authority to refuse service for debts in other states.

The company certificated to provide service in Florida is BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company. BellSouth Telecommunications provides service under this banner in four southeastern states including Florida. BellSouth Telecommunications also provides service in five other southeastern states under the name of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone and Telegraph Company. The definitional change, as proposed, is not clear as to the scope intended by the Company. Depending on which name is used to define "Company", the proposed tariff would allow for refusal or disconnection of service to customers in Florida for outstanding debts in either four or nine states. If BellSouth Telecommunications, Inc. is the "Company", service could be denied for outstanding debts in Florida and eight other states. If BellSouth Telecommunications, Inc., d/b/a Southern Bell Telephone and Telegraph Company is the "Company", service could be denied for outstanding debts in Florida, Georgia, North and South Carolina.

An additional concern is that changing the definition of "Company" may potentially have other far-reaching consequences. The word "Company" probably occurs hundreds of times in the tariff and the new definition of "Company" may not be appropriate to all of those other occurrences of the term.

The second principal concern is more problematic. Refusal of service in Florida for debts incurred in other states initially appears to be inappropriate; such refusal would allow the Company to deny service for circumstances beyond the control or review of this Commission. Even if a debt would otherwise be sufficient grounds for refusal of service, the Commission has no review of or control over the circumstances surrounding the creation of the debt in another state. A customer complaint dealing with refusal of service for a debt incurred in another state would require the Commission to adjudicate the factual and legal basis of a debt beyond the Commission's jurisdiction to review.

In addition, Rule 25-4.113(4)(e), Florida Administrative Code, provides that nonpayment for a nonregulated service is not sufficient grounds to refuse service. By its terms this provision appears to preclude a tariff of the nature proposed by the Company since any debt from another state is by definition a nonpayment

ORDER NO. PSC-92-1038-FOF-TL  
DOCKET NO. 920836-TL  
PAGE 3

"for a service rendered by a utility which is not regulated by this Commission."

In an effort to make the filing more acceptable, Southern Bell submitted further revised wording that limited the refusal of service provision to "...under the same conditions as stipulated for the state of Florida...." This language still raises the concerns discussed above.

Upon consideration of the foregoing, we find it appropriate to suspend this tariff filing. This will allow the Company additional time to develop acceptable tariff language that will address and resolve our concerns. In order to expedite the disposition of docket, Southern Bell shall file its revised proposal, including any additional tariff language addressing our concerns, by September 30, 1992.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company proposing to change the definition of "company" and to add a provision allowing for refusal of service for debts for regulated charges in other states in which BellSouth Telecommunications operates is suspended for the reasons set forth in the body of this Order. It is further

ORDERED that Southern Bell shall file its revised proposal, including any additional tariff language addressing our concerns, by September 30, 1992. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 23rd day of September, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(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.

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 wastewater 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 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.