

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Telecommunications) DOCKET NO. 920868-TL
response to Hurricane Andrew.) ORDER NO. PSC-92-1166-FOF-TL
_____) ISSUED: 10/12/92

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING TEMPORARY EMERGENCY WAIVERS

BY THE COMMISSION:

I. BACKGROUND

By Order No. PSC-92-0910-FOF-TP, this Commission authorized certain emergency procedures to facilitate the offering of needed services in response to the conditions resulting from Hurricane Andrew. In order to expedite the availability of needed services, we delegated the authority to specified members of the Commission and the Commission staff to approve certain waivers for services on an interim emergency basis.

II. WAIVER REQUESTS

Since the issuance of Order No. PSC-92-0910-FOF-TP, we have received five requests for waivers for various services. Two requests have been granted on an interim basis, and the remaining three were received immediately prior to our September 15, 1992, Agenda Conference. Each request is addressed below.

A. Waiver of Access Charges - Southern Bell

On September 3, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) requested a waiver of originating access charges for a period of 30 days for certain payphones in areas affected by Hurricane Andrew. The requested waiver is limited to those interexchange carriers which provide free interexchange calls from payphones. This waiver was granted on a temporary basis by Order No. PSC-92-0931-FOF-TL, issued September 3, 1992. It is before the full Commission now for review, as set forth by Order No. PSC-92-0910-FOF-TP. Upon consideration we grant the waiver. Granting this waiver will permit various long distance companies to provide free or reduced rate service from emergency payphones, as designated by the City of Miami, in the hurricane disaster area. We note that MCI, ATT-C, and ATC Long Distance have already obtained permission to provide free service. This is consistent with the Commission's prior

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waiver to permit the provision of free local and intraLATA toll service from such emergency payphones. Southern Bell also obtained a waiver of the Modification of Final Judgement (MFJ) to waive access charges on September 1, 1992. We note that although the waiver for free local and intraLATA toll was for a period of 60 days, the access charge waiver is only for a period of 30 days, by the MFJ court. Presumably if Southern Bell believes a further waiver is appropriate, it will obtain an extension of the current MFJ waiver. Southern Bell shall keep track of the revenues and rate elements waived. This information shall be included in the report on other waivers granted by the Commission, which is due January 1, 1993. See order No. PSC-92-0910-FOF-TP.

B. Free Service - Sprint

On September 3, 1992, Sprint Communications Company Limited Partnership d/b/a Sprint (Sprint) filed a time limited tariff to provide the following:

1. Sprint calling certificates worth 15 minutes of free long distance calling to Sprint business customers who are out of service, hurricane victims, and relief workers at Red Cross, hospital and emergency center locations in the Ft. Lauderdale and Miami areas.
2. Free 1+ intra-and interstate long distance service from the Metro-Dade County Civil Defense Emergency Center.
3. Free 1+ PublicFON calling with a five minute limit from 200 Sprint presubscribed payphones at 22 sites.
4. Free 800 Service numbers in conjunction with the Florida Bar Associate's Young Lawyers, to assist hurricane victims with legal questions.
5. No operator services calls will be eligible for the free calling.

This waiver was previously granted on a temporary basis by Order No. PSC-92-0933-FOF-TL, issued September 4, 1992. It is before the full Commission now for review, as set forth in Order No. PSC-92-0910-FOF-TP. We have granted numerous waivers of charges by long distance companies attempting to help South Florida recover from the effects of Hurricane Andrew. This waiver is effective until October 31, 1992.

C. Waiver of Nonrecurring Charges - Centel

On September 11, 1992, Central Telephone Company of Florida (Centel) requested authority to waive the nonrecurring charges for the establishment of temporary residential service for personnel coming to Eglin Air Force Base in Fort Walton from Homestead Air Force Base in Homestead, for a period of 60 days.

Just as MacDill Air Force Base is receiving military personnel displaced by the hurricane, so too is Eglin Air Force Base. To assist in this temporary placement, Centel has asked to waive the nonrecurring charges for the establishment of temporary residential service for those people temporarily moving to Eglin from Homestead.

By Order No. PSC-92-0910-FOF-TP, we authorized GTE Florida Incorporated to waive nonrecurring charges for establishment of residential service for military personnel shipped to MacDill Air Force Base from Homestead Air Force Base. Consistent with our prior decision, we grant Centel's waiver shall be granted for a period of 60 days. Centel shall keep records on the service elements, and dollar amounts waived. Centel shall provide this information to the Commission staff 30 days after the end of the waiver period.

D. Waiver of Nonrecurring Charges - St. Joe

On September 14, 1992, St. Joseph Telephone & Telegraph Company (St. Joe) requested authority to waive the nonrecurring charges for the establishment of temporary residential service for customers coming to St. Joe's territory from the South Florida area affected by Hurricane Andrew, beginning September 7, 1992, for a period of 60 days.

St. Joe has people moving into its area on a temporary basis as a result of relocation from the area affected by Hurricane Andrew. To assist in this temporary placement, St. Joe has asked to waive the nonrecurring charges for the establishment of temporary residential service for those people. This is consistent with the waiver previously granted to Southern Bell. This waiver is granted for a period of 60 days. St. Joe shall keep records on the service elements and dollar amounts waived. St. Joe shall provide this information to the Commission staff within 30 days after the end of the waiver period.

E. ESSX Service to Temporary Office Complex

Southern Bell has received a request from the Beacon Council, a group of businesses who are part of the Miami Area Chamber of Commerce. The Council desires to set up a facility in an office park to provide office space for businesses temporarily displaced by the hurricane. As part of this, the Council has asked Southern Bell to provide a 500 line ESSX service to the complex. Southern Bell now submits the Council's request for our approval. Under the proposal, the service would be provided for a six-month period at Southern Bell's tariffed rates for ESSX to the Beacon Council. The Council would then charge customers for the phone service in their rent.

There is no current prohibition against the resale of ESSX in the Southern Bell's tariff; however, section 364.335, Florida Statutes, prohibits resale of local services generally, with some exceptions, e.g., alternate access vendors, shared tenant services, and pay telephone providers.

Normally, an entity wanting to set up office space for lease, with phone service, would apply for a shared tenant services certificate, and would be limited to providing service to a single building per certificate. In the instant case, several buildings may be involved; however, the temporary service to the tenants will only be provided for a limited period of time.

The Commission has permitted the provision of local telephone service without certification to transient end-users, for up to nine months. This has not been extended to office parks, since typically they are not in business on a transient basis.

Upon consideration we approve Southern Bell's proposal. However, we are concerned about the precedent value of our approval and we cannot emphasize strongly enough that our approval of Southern Bell's proposal is premised on the extraordinary circumstances created by Hurricane Andrew and the six-month limit on operation. We are sympathetic to the needs of businesses in the hurricane-stricken area, and we believe this service will be of great value to them.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for waiver of originating access charges is approved as set forth in the body of this order. It is further

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ORDERED that the request by Sprint Communications Company Limited Partnership d/b/a Sprint to provide free service is approved as set forth in the body of this Order. It is further

ORDERED that the request of Central Telephone Company of Florida to waiver certain nonrecurring charges is approved as set forth in the body of this Order. It is further

ORDERED that St. Joseph Telephone & Telegraph Company's request to waive certain nonrecurring charges is approved as set forth in the body of this Order. It is further

ORDERED that Southern BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's request to provide ESSX service to the Beacon Council to provide temporary service to an office park is approved as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission this 12th day of October, 1992.



STEVE TRIBBLE Director
Division of Records and Reporting

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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 the Commission's final action 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.