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# Georgia Public Service Commission

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EXECUTIVE SECRETARY  
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DOCKET NO: 3488-U

COMPLAINT # 31260

IN RE: Elimination of Tariff Filing Requirements for Resellers of Intrastate Interexchange Services and Alternate Operator Service Providers

Record Submitted: April 20, 1999

Decided: May 18, 1999

## APPEARANCES

### FOR THE PUBLIC SERVICE COMMISSION:

Tom Bond, Special Assistant Attorney General

### FOR THE OFFICE OF CONSUMERS' UTILITY COUNSEL

Ron Jackson, Attorney

### FOR BELLSOUTH TELECOMMUNICATIONS, INC.

Fred McCallum, Jr., Attorney  
Lisa Spooner Foshee, Attorney

### FOR THE TELECOMMUNICATIONS RESELLERS ASSOCIATION

Charles A. Hudak, Attorney

**BY THE COMMISSION:**

On January 8, 1999, the Georgia Public Service Commission ("the Commission") issued a Procedural And Scheduling Order proposing the elimination of tariff filing requirements for Resellers of intrastate interexchange services and Alternate Operator Service ("AOS") providers. Legal Notice appeared in The Atlanta Journal and The Atlanta Constitution on January 29, 1999.

Subsequent to the Procedural And Scheduling Order and the publication of the Legal Notice, BellSouth Telecommunications, Inc. ("BST"), Consumers' Utility Counsel ("CUC") and Telecommunications Resellers Association ("TRA") filed petitions to intervene.

Due to a scheduling conflict, the hearing originally scheduled for February 25, 1999 was rescheduled for March 2, 1999. At the request of the parties and for good cause shown, the hearing scheduled for March 2, 1999 was rescheduled until March 16, 1999. Due to conflicts in scheduling, the hearing in Docket No. 3488-U for March 16, 1999 was rescheduled to April 1, 1999. Due to unforeseen occurrence in the Commission's schedule, the hearing was again rescheduled to Tuesday, April 20, 1999, at 1:00 p.m.

Subsequent to the Procedural And Scheduling Order, the Commission Staff submitted pre-filed testimony. In lieu of pre-filed testimony, the CUC, BST and the TRA filed comments.

This matter came before the Commission on April 20, 1999. During the hearing the Commission accepted evidence from one witness.

After having reviewed the evidence submitted and having carefully considered the positions advocated by the intervenors in their comments, the Commission makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1.

The numerous tariff filings of Resellers have imposed an unnecessary administrative burden upon the resources of the Commission. The exercise of jurisdiction over every rate change by resellers of telecommunications services by this Commission is not now necessary.

2.

Since the certification of Resellers and AOS companies began, the Commission has processed over 700 Reseller applications and nearly 200 alternative operator service provider applications.

3.

Resellers compete on the basis of price and service offerings and customers have the flexibility of moving from one carrier to another.

4.

Tariffs play an important role in the operation of a telecommunications carrier. Tariffs help establish the legal relationship between carriers and their customers.

5.

Because a carrier's tariffs constitute notice of the rates, terms and conditions of the services provided by the carrier, they provide an efficient and cost effective way of informing the carrier's customers of any changes to such rates, terms and conditions.

6.

Without the ability to rely on a tariff, carriers may face increased expenses to establish, police, and enforce a multitude of contractual arrangements with each and every customer.

7.

The filing of tariffs setting forth the provider's terms and conditions of service along with the maximum rates to be charged for services would reduce administrative burdens on the Commission while at the same time protecting the service providers and customers.

8.

The optional filing of price lists will reduce the Commission's administrative burden. Because the price lists will be optional, they will not necessarily be filed by all carriers. Further, because the Commission will have already approved maximum rates for services, and because the rates in the price list cannot exceed the maximum rates, the Commission can accept price list modifications as mere informational filings while still protecting the public interest.

## **CONCLUSIONS OF LAW**

1.

Resellers own, lease or operate public telephone systems or lines within the State of Georgia and are telephone companies. O.C.G.A. §§ 46-2-21 and 46-5-162(17)

2.

A Reseller is subject to the jurisdiction of the Commission, and the Commission's authority and control extends to its supervision of the Resellers. O.C.G.A. §§ 46-2-20, 46-2-21 and 46-5-163

3.

As a telephone company operating telephone lines or systems, a Reseller is subject to the rules and regulations of this Commission concerning the operation of such systems. O.C.G.A. §§ 46-2-20, 46-2-21.

4.

Pursuant to O.C.G.A. §§ 46-5-41, 46-5-163, 46-2-23, and 46-2-25, the Commission has jurisdiction to grant to a Reseller a Certificate of Public Convenience and Necessity and to determine the reasonableness of the rates, charges, classifications and services established by the Reseller.

5.

Pursuant to O.C.G.A. § 46-2-23(b), the Commission has the authority to eliminate tariff rates for a service but retain tariffs for service standards and requirements.

6.

The Commission shall revise its tariffing requirements to allow Resellers more flexibility in modifying their rates subject to a cap specified in the Reseller's tariff. This more flexible program will also reduce staff review time.

**WHEREFORE, It is**

**ORDERED**, that on new applications for Certificates of Authority, Resellers shall file tariffs describing their services with the application for Certificate of Authority. In place of a tariff setting forth the current rate for each service, the Reseller will file a tariff setting forth maximum allowed rates for each service. The Commission shall otherwise continue to fully regulate the Certificate of Authority application process.

**ORDERED FURTHER**, that for currently certified Resellers, the Resellers' currently filed rates shall be deemed to be maximum allowed rates until such time as the Reseller's tariff is modified by the Reseller.

**ORDERED FURTHER**, that provided a Reseller charges no more than the maximum allowed rate set forth in its tariff, a Reseller may change its rate for a service without prior Commission approval. Carriers may file (but are not required to file) with the Commission a price sheet which lists the carrier's current prices. Such price sheets are presumed valid, provided that the price listed does not exceed the maximum allowed rate contained in the Reseller's tariff, and are effective on one (1) days notice.

**ORDERED FURTHER**, Resellers desiring to modify their terms of service or their maximum allowed rate must file a revised tariff with the Commission under the existing Commission procedures for modifications of tariffs, including possible suspension and review by the Commission.

**ORDERED FURTHER**, there shall be no modification to any carrier's Certificate of Authority without prior approval of the Commission.

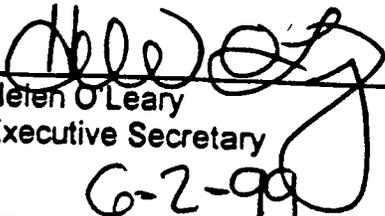
**ORDERED FURTHER**, no carrier shall be relieved of its obligation to comply with any legislative mandate implemented by the Commission regarding revisions to toll rates, and services.

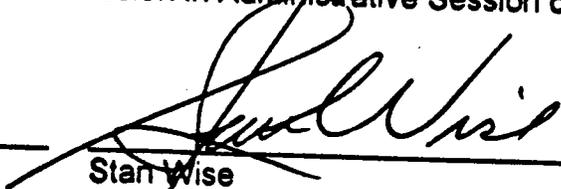
**ORDERED FURTHER**, no carrier shall be relieved of its participation and compliance with the Universal Access Fund (UAF) requirements developed by the Commission.

**ORDERED FURTHER**, that jurisdiction over this matter is expressly retained for the purpose of entering such further order or orders as this Commission may deem just and proper.

**ORDERED FURTHER**, that a motion for reconsideration or other motion for the purpose of review shall not stay the effectiveness of this Order, unless otherwise ordered by the Commission.

The above by action of the Commission in Administrative Session on May 18, 1999.

  
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Helen O'Leary  
Executive Secretary  
6-2-99  
\_\_\_\_\_  
DATE

  
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Stan Wise  
Chairman  
6-2-99  
\_\_\_\_\_  
DATE