

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motion for extension of) DOCKET NO. 920926-TL
time in which to implement a \$.25)
per message extended area service)
plan in Putnam County, pursuant)
to Order 25772 issued in Docket)
No. 920528-TL, by BELLSOUTH TELE-)
COMMUNICATIONS, INC. d/b/a)
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)

In re: Motion for extension of) DOCKET NO. 920927-TL
time in which to implement a)
\$.25 per message extended area)
service plan between the Lawtey)
and Gainesville, Raiford and)
Gainesville, and Starke and)
Gainesville exchanges, pursuant)
to Order PSC-92-0282-FOF-TL)
issued in Docket No. 910022-TL,)
by BELLSOUTH TELECOMMUNICATIONS,)
INC. d/b/a SOUTHERN BELL TELE-)
PHONE AND TELEGRAPH COMPANY.)

In re: Motion for extension of) DOCKET NO. 920928-TL
time in which to implement a) ORDER NO. PSC-92-1219-FOF-TL
\$.25 per message extended area) ISSUED: 10/28/92
service plan between the Mount)
Dora and Orlando exchange,)
pursuant to Order No. 24992)
issued in Docket No. 900039-TL)
by BELLSOUTH TELECOMMUNICATIONS,)
INC. d/b/a SOUTHERN BELL TELE-)
PHONE AND TELEGRAPH COMPANY.)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING MOTIONS FOR EXTENSION OF TIME

BY THE COMMISSION:

By Order No. 24992, issued August 29, 1991, in Docket No. 900039-TL, we proposed requiring United Telephone Company of Florida (United) and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) to

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implement an alternative toll relief plan known as the \$.25 plan on three routes in Orange County. No protest was filed to our proposal, so Order No. 24992 became final on September 20, 1991. Since several of the affected routes were interLATA (local access transport area), we directed Southern Bell to immediately begin seeking a waiver of the Modified Final Judgment (MFJ) to allow it to carry traffic on the interLATA routes it serves that were affected by our Order. Order No. 24992 requires that all of the routes be implemented by September 20, 1992.

By Order No. 25772, issued February 24, 1992, in Dockets Nos. 910528-TL and 880069-TL, we proposed requiring ALLTEL Florida, Inc. (ALLTEL) and Southern Bell to implement the \$.25 plan on ten routes in Putnam County. No protest was filed to our proposal, so Order No. 25772 became final on March 17, 1992. Southern Bell was again directed to seek a waiver of the MFJ to allow it to carry traffic on the affected routes. All of the routes were to be implemented by September 17, 1992.

By Order No. PSC-92-0282-FOF-TL, issued May 4, 1992, in Docket No. 910022-TL, we proposed requiring ALLTEL, Central Telephone Company of Florida (Centel), and Southern Bell to implement the \$.25 plan on eleven routes between Bradford County, Union County, and the Gainesville exchange. No protest was filed to our proposal, so Order No. PSC-92-0282-FOF-TL became final on May 26, 1992. Once again, Southern Bell was directed to seek an MFJ waiver so that it could carry traffic on the affected routes. All of the routes were to be implemented by November 26, 1992.

On September 11, 1992, Southern Bell filed three Motions for Extension of Time (Motions) in which to implement the \$.25 message plan in the dockets listed above. The three Motions are virtually identical, except for the particular routes involved, so all three Motions are being addressed in this Order. These three Motions involve the following interLATA routes with at least one exchange served by Southern Bell:

Florahome/Keystone Heights	Lawtey/Gainesville
Orange Springs/Palatka	Raiford/Gainesville
Melrose/Palatka	Starke/Gainesville
Interlachen/Hawthorne	Mount Dora/Orlando
Interlachen/Keystone Heights	
Hawthorne/Palatka	
Keystone Heights/Palatka	

Southern Bell states that it has filed an appropriate motion with the United States District Court for the District of Columbia (the Court) in United States v. Western Electric Company and

American Telephone and Telegraph Company, Civil Action No. 82-0192-HHG, for waiver of the MFJ for the purpose of implementing the above-referenced calling plans. At the time it filed its Motions with this Commission, Southern Bell had not yet obtained the MFJ waiver from the Court. In addition, the Department of Justice (DOJ) has now filed a recommendation with the Court to deny Southern Bell's waiver requests for all of the affected routes in seven Florida dockets (870790-TL, 891246-TL, 900039-TL, 910022-TL, 910029-TL, 910528-TL, and 910529-TL), as well as for an Alabama calling plan.

Initially, we note that Southern Bell cannot lawfully implement the calling plans we have ordered on the above interLATA routes without first receiving the MFJ waiver. Because of our concerns regarding the DOJ's recommendation, this Commission has made a filing with the Court in support of granting the waiver requests. However, this process could be time-consuming and we cannot estimate when the Court will rule on the waiver requests.


Upon consideration, we find it appropriate to grant Southern Bell's Motions for Extension of Time. Southern Bell states that after such time as the MFJ waiver is granted, additional time will be needed to make the final preparations for implementation. Accordingly, we shall postpone the implementation dates for the routes enumerated above until ninety days after the MFJ waiver is obtained.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motions for Extension of Time filed on September 11, 1992, by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company are hereby granted for the reasons and in the manner set forth herein. It is further

ORDERED that these dockets are hereby closed.

By ORDER of the Florida Public Service Commission this 28th day of October, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

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ABG

ORDER NO. PSC-92-1219-FOF-TL
DOCKETS NOS. 920926-TL, 920927-TL, 920928-TL
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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.