

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the Marion) DOCKET NO. 930236-TL
County commissioners for) ORDER NO. PSC-94-0428-FOF-TL
countywide extended area service) ISSUED: April 11, 1994
(EAS) within Marion County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING EXTENDED AREA SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated pursuant to Resolution 93-R-20 submitted by the Marion County Board of County Commissioners for countywide Extended Area Service (EAS) within Marion County. The Micanopy and Dunnellon exchanges are served by Bellsouth Telecommunications, Inc. d/b/a Southern Bell and Telegraph Company (Southern Bell). The McIntosh, Citra and Orange Springs exchanges are served by ALLTEL Florida, Incorporated (ALLTEL). The Williston, Umatilla, Ocala, Oklawaha, Salt Springs, Silver Springs Shores, Belleview, Forest, and Lady Lake (821) exchanges are served by United Telephone of Florida (United).

We required the companies to survey the subscribers in the Williston exchange for flat rate, nonoptional, two-way EAS to Ocala, which included the McIntosh exchange to avoid leapfrogging, with regrouping and the 25/25 additive. See Order No. PSC-93-1586-FOF-TL, issued November 1, 1993.

United mailed 4,349 ballots to all customers of record in the Williston exchange. The results of the survey follows:

DOCUMENT NO.
03384-94
4-11-94

TABLE A
SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	4,349	100.00%	
Ballots Returned	1,810	41.62%*	100.00%
For EAS	769		42.49%**
Against EAS	1,029		56.85%
Invalid	12		.66%

* Rule requires 40% of the ballots mailed must be returned.

** Rule requires a majority (>50%) of the ballots returned must vote favorably (40% requirement must be met regardless of majority).

Rule 25-4.063(6), Florida Administrative Code, requires that a majority of all respondents in each exchange vote favorably and at least 40% of all ballots sent must be returned. Based on this rule, we find that the survey failed because 56.85% of the ballots returned were against EAS.

Accordingly, based on the results of the survey, we hold that United shall not implement nonoptional, two-way, flat rate EAS between Williston and Ocala.

Currently the Commission staff is reviewing EAS problems, including alternative toll plans, in a generic investigation in Docket No. 930220-TL. Once an appropriate alternative toll plan has been developed, we will reevaluate the Williston/Ocala route.

Based on the foregoing, it is

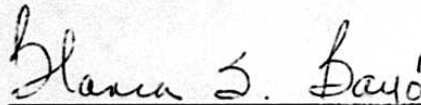
ORDERED by the Florida Public Service Commission that the resolution by the Marion County Board of County Commissioners for flat rate, nonoptional, two-way Extended Area Service between Williston and Ocala is denied for the reasons set forth in the text of this Order. It is further

ORDER NO. PSC-94-0428-FOF-TL
DOCKET NO. 930236-TL
PAGE 3

ORDERED that this docket shall remain open until the conclusion of the generic investigation docket into Extended Area Service. It is further

ORDERED that this Order shall become final and effective on the date set forth below if no timely protest is filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 11th day of April, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

DLC

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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of

ORDER NO. PSC-94-0428-FOF-TL
DOCKET NO. 930236-TL
PAGE 4

Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 2, 1994.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective 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 wastewater 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 effective date 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.