

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Sarasota) DOCKET NO. 930578-TL
County Commission requesting) ORDER NO. PSC-94-0843-FOF-TL
countywide extended area service) ISSUED: July 12, 1994
within Sarasota County.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

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 No. 93-118 filed by the Sarasota County Board of County Commissioners requesting countywide calling within Sarasota County. GTE Florida Incorporated (GTEFL) serves all the Sarasota County exchanges (Englewood, Myakka, Sarasota, Venice and North Port). All of these exchanges are located within the Tampa Market Area.

By Order No. PSC-93-1205-PCO-TL, issued August 17, 1993, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) was required to conduct traffic studies on these routes. By Order No. PSC-93-1205A-PCO-TL, issued August 30, 1993, the previous traffic study order was amended to reflect the local exchange company as GTEFL instead of Southern Bell.

GTEFL was required to conduct traffic studies on the pocket areas of the Englewood and Myakka exchanges within Sarasota County.

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See Order No. PSC-94-0062-PCO-TL, issued January 20, 1994. By Order No. PSC-94-0110-CFO-TL, issued January 28, 1994, GTEFL was granted confidential classification of its intraLATA (local access transport area) traffic study data, excluding the pocket data. GTEFL's pocket intraLATA traffic data was classified confidential pursuant to Order No. PSC-94-0815-CFO-TL, issued on July 1, 1994.

Rule 25-4.060(2), Florida Administrative Code, requires a calling rate of at least three (3) Messages per Access Line per Month (M/A/Ms) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which extended area service is desired. This rule further requires that at least 50% of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS.

We have reviewed the calling volumes and distribution on the Englewood, Myakka, Sarasota, Venice and North Port exchanges. We find that, based on Rule 25-4.060(2), Florida Administrative Code, none of the Sarasota County routes qualified for nonoptional, flat rate, two-way extended area service.

With the exception of the Englewood (Sarasota County Pocket)/Sarasota route, we find that the calling rates on the routes at issue in this docket do not have sufficient calling volumes or distribution to warrant an alternative toll plan.

The Englewood (Sarasota County Pocket)/Sarasota route comprises approximately 48% of the access lines in the Englewood exchange. The pocket met the M/A/M requirement but did not meet the distribution requirement for flat rate EAS. The Englewood exchange as a whole did not meet the M/A/M or distribution requirements.

Since we are currently reviewing EAS problems, including alternative toll plans and pocket areas, in Docket No. 930220-TL, we will not make a determination at this time regarding the Englewood (Sarasota County Pocket)/Sarasota route. Once an appropriate plan has been developed, we will reevaluate the Englewood (Sarasota County Pocket)/Sarasota route.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the none of the calling rates on the Sarasota County toll routes qualify for a survey for nonoptional, flat rate, two-way extended area service as discussed in the text of this Order. It is further

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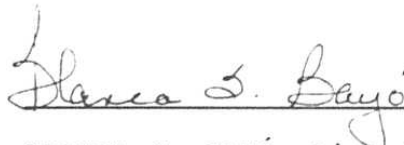
ORDERED that we find that none of the routes except the Englewood (Sarasota County pocket)/Sarasota route warrant an alternative toll plan. It is further

ORDERED that no determination shall be made at this time regarding an alternative toll plan for the Englewood (Sarasota County pocket)/Sarasota route until after the conclusion of the extended area service rulemaking docket (Docket No. 930220-TL). At that time, the Commission staff will file a subsequent recommendation regarding this route. It is further

ORDERED that this docket shall remain open pending resolution of Docket No. 930220-TL.

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 12th day of July, 1994.



BLANCA S. BAYÓ, 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

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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 Records and Reporting at her office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 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.