

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by the) DOCKET NO. 940335-TL
residents of Mexico Beach (The) ORDER NO. PSC-94-1367-FOF-TL
Beaches exchange) for extended) ISSUED: November 10, 1994
area service (EAS) between the)
Beaches exchange and the Panama)
City and Tyndall Air Force Base)
exchanges.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
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 a petition submitted by the residents of Mexico Beach (The Beaches exchange) requesting extended area service (EAS) between the Beaches exchange and the Panama City and Tyndall Air Force Base exchanges. The Beaches and Tyndall Air Force Base exchanges are served by St. Joseph Telephone and Telegraph Company (St. Joe), and the Panama City exchange is served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). All of the exchanges are located in the Panama City local access transport area (LATA).

We required St. Joe and Southern Bell to conduct traffic studies on these routes by Order No. PSC-94-0529-PCO-TL, issued May 4, 1994.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-1367-FOF-TL
DOCKET NO. 940335-TL
PAGE 2

Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three M/A/Ms (Messages per Access Line per Month) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS 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.

The Beaches/Panama City route was close to qualifying under Rule 25-4.060(3), Florida Administrative Code. This route met the M/A/M requirement but fell short on the distribution of calls. Since the distribution of calls was close to meeting the rule, we requested additional traffic data from St. Joe on The Beaches/Panama City route to determine if the month that was studied provided a true representation of the calling volumes and distribution. St. Joe provided two additional months of traffic data, but the traffic data still did not meet the distribution requirement.

Thus, based on the requirements of Rule 25-4.060(3), Florida Administrative Code, we find that none of these routes qualify for two-way, flat rate, nonoptional EAS.

Historically, we have implemented the \$.25 calling plan on routes that did not meet the calling volume or distribution requirements but exhibited a substantial showing. Typically, these cases were close to meeting the rule requirements but failed either on the distribution or volume level by a small percentage. With the exception of The Beaches/Panama City route, the calling rates and distribution on the routes do not exhibit a sufficient community of interest and do not warrant an alternative toll plan.

We are, however, currently reviewing EAS problems, including alternative toll plans, in Docket No. 930220-TL. Once appropriate criteria have been established for alternative toll plans, we will reevaluate The Beaches/Panama City route.

It is therefore

ORDERED by the Florida Public Service Commission that the request by the subscribers of the Mexico Beach exchange requesting extended area service between the Mexico Beach exchange and the Panama City and Tyndall Air Force Base exchange is denied for the reasons set forth in the text of this Order. It is further

ORDERED that The Beaches/Panama City route shall be reevaluated for an alternative toll plan pending resolution of Docket No. 930220-TL. It is further

ORDER NO. PSC-94-1367-FOF-TL
DOCKET NO. 940335-TL
PAGE 3

ORDERED that this docket shall remain open. 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 10th day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(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 Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 1, 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.

ORDER NO. PSC-94-1367-FOF-TL
DOCKET NO. 940335-TL
PAGE 4

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 substantially 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.