

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the City ) DOCKET NO. 950126-TL  
of Eustis for extended area ) ORDER NO. PSC-95-0973-FOF-TL  
service (EAS) from the Eustis ) ISSUED: August 9, 1995  
exchange to the Apopka, Winter )  
Garden and Winter Park )  
exchanges. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
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 resolution filed by the City of Eustis requesting extended area service (EAS) from the Eustis exchange to the Apopka, Winter Garden, and Winter Park exchanges. These exchanges are served by United Telephone Company of Florida (United). The Eustis exchange is located in the Gainesville LATA (local access transport area), and the Apopka, Winter Garden, and Winter Park exchanges are located in the Orlando LATA.

By Order No. PSC-95-0294-FOF-TL, issued March 2, 1995, the Commission ordered United to conduct traffic studies on the proposed EAS routes in this docket.

I. Extended Area Service

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

DOCUMENT NUMBER-DATE

07576 AUG-9 95

FPSC-RECORDS/REPORTING

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 Eustis/Apopka, Eustis/Winter Garden and Eustis/Winter Park routes did not meet the M/A/M or the distribution requirements. Because the calling rates and distribution factors fell significantly below our rule requirements, it would be appropriate to consider additional community of interest factors because such information would probably not alter the conclusions reached through the traffic study.

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

## II. Alternative Toll Plan

The calling rates on these routes do not have sufficient calling volumes or distribution to warrant an alternative toll plan. None of the routes met the 3 M/A/M requirement or the distribution criteria.

Historically, we have considered the \$.25 calling plans on routes that met the calling rate threshold and exhibited a substantial showing on the distribution requirement. Typically, these cases were close to meeting the rule requirements but fell short by a small percentage on the distribution criteria.

The calling rates on the routes studied in this case do not exhibit a sufficient community of interest to warrant any form of toll relief. Therefore, we find that no alternative toll plans shall be implemented on these routes.

Based on the foregoing, it is

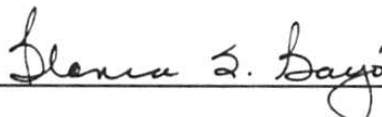
ORDERED by the Florida Public Service Commission that the request by the City of Eustis for extended area service from the Eustis exchange to the Apopka, Winter Garden and Winter Park exchanges is hereby denied for the reasons set forth in the body of this Order. It is further

ORDERED that no alternative toll plan shall be offered on any of the toll routes for the reasons stated in the body of this Order. It is further

ORDER NO. PSC-95-0973-FOF-TL  
DOCKET NO. 950126-TL  
PAGE 3

ORDERED that this Order shall become final and effective and this docket shall be closed 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 9th day of August, 1995.



---

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 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 30, 1995.

ORDER NO. PSC-95-0973-FOF-TL  
DOCKET NO. 950126-TL  
PAGE 4

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 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.