

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Columbia) DOCKET NO. 951098-TL
County Board of Commissioners) ORDER NO. PSC-96-0727-FOF-TL
for extended area service (EAS)) ISSUED: May 29, 1996
between High Springs exchange)
and Lake City exchange.)
_____)

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 REGARDING 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.

I. Background

This docket was initiated pursuant to Resolution No. 95R-41 filed on June 28, 1995, by the Columbia County Commission requesting extended area service (EAS) between the High Springs exchange and the Lake City exchange. ALLTEL Florida, Inc. (ALLTEL) serves the High Springs exchange, and BellSouth Telecommunications, Inc. (BellSouth) serves the Lake City exchange. Both exchanges are located in the Jacksonville LATA (local access and transport area).

II. Extended Area Service

Section 364.385(2), Florida Statutes, provides that all applications for extended area service or extended calling service pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995. Proceedings including judicial review pending on July 1, 1995, shall be governed by the law as it existed prior to the date on which this section becomes law. No new proceedings governed by the law as it existed prior to January 1, 1995, shall be initiated after July 1, 1995. Any administrative adjudicatory proceeding which has not progressed to the stage of a hearing by July 1, 1995, may, with the consent of all parties and the Commission, be conducted in accordance with the law as it existed prior to January 1, 1995.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Because this EAS request was filed after March 1, 1995 but before July 1, 1995, and since all the parties agree to abide by the old law, our existing EAS rules apply. To be considered for balloting for EAS, Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three 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 EAS is desired. This rule further requires that at least 50 percent of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for nonoptional, flat rate, two-way EAS.

ALLTEL and BellSouth have filed the calling volumes for this route with requests for confidential classification. Based on the requirements of Rule 25-4.060(3), Florida Administrative Code, we find that the High Springs (Columbia County pocket)/Lake City route does not meet the M/A/M or distribution requirements to qualify for a survey for two-way, flat rate EAS.

II. Alternative Toll Plan

Historically, we have considered the \$.25 calling plan or ECS on routes that met the calling rate and exhibited a substantial showing on the distribution requirement. Typically, these cases were close to meeting our requirements but did not meet the distribution criteria by a small percentage. In the past, on pocket routes that met the M/A/M requirement for EAS and had significant distribution factors, we have considered alternative toll plans as resolutions to pocket situations. See Orders Nos. PSC-93-0997-FOF-TL, issued July 7, 1993 and PSC-95-1396-FOF-TL, issued November 13, 1995. In addition, we have denied toll relief on pocket routes that did not meet the EAS M/A/M requirement or did not demonstrate a significant distribution factor. See Orders Nos. PSC-93-1668-FOF-TL, issued November 15, 1993 and PSC-93-1633-FOF-TL, issued November 8, 1993.

The calling volumes on the High Springs (Columbia County pocket)/Lake City route exceeded the M/A/M requirement and were close to meeting the distribution requirement for traditional EAS under the Commission's rules. We find that this route warrants an alternative toll plan, such as extended area service (ECS), because the calling rates and distribution factors are similar to those approved in similar dockets. ECS will allow the Columbia County residents who are served out of the High Springs exchange access to their county government and schools. Because of customer confusion and engineering complications, we find that ECS shall be provided to the entire High Springs exchange not just the Columbia County pocket. This is consistent with previous decisions involving

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pocket routes.

In addition, we find that it is appropriate to allow interexchange carriers (IXCs) to continue to carry the same types of traffic on this route that they are now authorized to carry. This is consistent with Order No. PSC-94-0572-FOF-TL, issued May 16, 1994, in Docket No. 911034-TL.

Accordingly, we find that ECS shall be implemented on the High Springs/Lake City route. Residential customers shall pay \$.25 per call regardless of duration, and business calls on this route shall be rated at \$.10 for the first minute and \$.06 for each additional minute. ECS shall be implemented on this route as soon as possible but not to exceed six months from the issuance date of the order from this recommendation. When implemented, pay telephone providers will charge end users no more than \$.25 per message and pay the standard interconnection charge. IXCs may continue to carry the same types of traffic on this route that they are now authorized to carry.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by the Columbia County Board of Commissioners for extended area service between the High Springs exchange and the Lake City exchange is denied for the reasons set forth in the body of this Order. It is further

ORDERED that extended calling service shall be implemented on the High Springs/Lake City route. Residential customers shall pay \$.25 per call regardless of duration and business calls shall be rated at \$.10 for the first minute and \$.06 for each additional minute. It is further

ORDERED that ECS should be implemented on the High Springs/Lake City route as soon as possible but not to exceed six months from the issuance date of this Order. It is further

ORDERED that when implemented, pay telephone providers will charge end users no more than \$.25 per message and pay the standard interconnection charge. It is further

ORDERED that interexchange carriers may continue to carry the same types of traffic on this route that they are now authorized to carry. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an

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appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of May, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Teague
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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 19, 1996.

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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.