

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of ) DOCKET NO. 950701-TL  
Marathon exchange for countywide ) ORDER NO. PSC-97-0305-FOF-TL  
calling within Monroe County. ) ISSUED: March 20, 1997  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

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

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST  
AND REINSTATING ORDER NO. PSC-96-0703-FOF-TL

BY THE COMMISSION:

On March 30, 1995, the residents of the Marathon exchange filed a petition for countywide extended area service (EAS) within Monroe County. Most of the exchanges in Monroe County, except the Everglades exchange, are served by BellSouth Telecommunications, Inc. (BellSouth) and are located in the Southeast LATA (local access and transport area). Sprint-Florida, Inc. provides service to the Everglades exchange which is located in the Fort Myers Market Area.

On May 23, 1996, we issued Proposed Agency Action Order No. PSC-96-0703-FOF-TL denying the petition for EAS within Monroe County. Therein, we found that none of the requested routes met the messages per access line per month (M/A/M) or distribution requirements for EAS set forth in Rule 25-4.060(3), Florida Administrative Code. We also found that the calling rates and distribution factors on the routes involving the Everglades exchange did not exhibit a sufficient community of interest to warrant an alternative toll plan.

On May 31, 1996, Samuel A. Arutt filed a protest of Order PSC-96-0703-FOF-TL. Mr. Arutt complained that the petitioners did not have the information available to independently determine whether the distribution requirement for EAS set forth in Rule 25-4.060, Florida Administrative Code had been met. He also asserted that the \$.25 toll plan currently implemented within the county was a hardship on businesses and frequent callers. In addition, Mr. Arutt asked that residential service within the county be provided

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without a toll charge and that BellSouth offer a separate, unlimited computer service at \$8.10 per month. We set a hearing for May 8, 1997.

On February 13, 1997, Mr. Arutt withdrew his objections to Order No. PSC-96-0703-FOF-TL. Mr. Arutt stated that, after reviewing the information from BellSouth's traffic study, he did not believe that the area can satisfy the community of interest standard required for an alternative toll plan. Thus, he stated that he no longer wished to pursue the protest.

With Mr. Arutt's objections withdrawn, there are no further issues for us to address. Accordingly, we acknowledge that Samuel A. Arutt has withdrawn his protest in this docket, reinstate Order No. PSC-96-0703-FOF-TL, and declare it a final Order. The Order shall be deemed effective the date of our decision, March 18, 1997.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that we acknowledge that Samuel A. Arutt's protest in this docket has been withdrawn. It is further

ORDERED that Order No. PSC-96-0703-FOF-TL shall be reinstated as a Final Order, effective March 18, 1997. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 20th day of March, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

BC

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.