

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by the ORANGE COUNTY) DOCKET NO. 900039-TL
BOARD OF COUNTY COMMISSIONERS for extended)
area service between the Mount Dora) ORDER NO. 23891
exchange and the Apopka, Orlando, Winter)
Garden, Winter Park, East Orange, Reedy) ISSUED: 12-17-90
Creek, Windermere, and Lake Buena Vista)
exchanges)
_____)

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
BETTY EASLEY
GERALD L. GUNTER
FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION
ORDER POSTPONING CUSTOMER SURVEY

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

This docket was initiated pursuant to Resolution No. 89-M-118 filed with this Commission by the Orange County Board of County Commissioners, requesting that we consider requiring implementation of extended area service (EAS) between the Mount Dora exchange and all exchanges in Orange County. By Order No. 22567, issued February 16, 1990, we directed Southern Bell Telephone and Telegraph Company (Southern Bell), United Telephone Company of Florida (United), and Vista-United Telecommunications (Vista-United) to perform traffic studies between these exchanges to determine whether a sufficient community of interest existed, pursuant to Rule 25-4.060, Florida Administrative Code. In particular, the companies were directed to submit studies of the traffic between the Mount Dora exchange (with separate studies for the Orange County pocket area of the Mount Dora exchange) and the Apopka, East Orange, Lake Buena Vista, Orlando, Reedy Creek, Windermere, Winter Garden, and Winter Park exchanges. All of these exchanges are served by United, except the Orlando and East Orange exchanges, which are served by Southern Bell, and the Lake Buena

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Vista exchange, which is served by Vista-United. In addition to involving intercompany routes, this request also involves interLATA (local access transport area) routes. The Mount Dora exchange is located in the Gainesville LATA, while the remaining exchanges are located in the Orlando LATA. The companies were to prepare and submit these studies to us within sixty (60) days of the issuance of Order No. 22567, making the studies due by April 17, 1990.

On April 4, 1990, Southern Bell filed a Motion for Extension of Time, requesting an extension through and including May 17, 1990, in which to prepare and to submit the required traffic studies. As grounds for its request, Southern Bell cited the complexities inherent in the preparation of traffic studies for EAS pocket areas, including the need to compile and tabulate the data manually. By Order No. 22807, issued April 12, 1990, we granted Southern Bell the requested extension of time through May 17, 1990.

Subsequently, all three companies filed the required traffic studies in response to Order No. 22567. On May 17, 1990, Southern Bell filed a request for confidential treatment of certain portions of its traffic study data. Southern Bell requested specified confidential treatment of only that data which represented a quantification of traffic along interLATA routes. By Order No. 22983, issued May 25, 1990, we granted Southern Bell's request. Similar requests for specified confidential treatment were filed by United on July 16, 1990, and by Vista-United on August 2, 1990. By Order No. 23303, issued August 3, 1990, and Order No. 23351, issued August 13, 1990, we granted each of these requests.

By Order No. 23635, issued October 18, 1990, we proposed surveying the customers in the Orange County pocket area of the Mt. Dora exchange for a transfer to the Apopka exchange, under terms and conditions specified in that Order. Our proposed action became final and effective on November 9, 1990, as reflected in our Consummating Order No. 23758, issued November 14, 1990.

Pursuant to Order No. 23635, United is required to begin its survey within thirty (30) days of the issuance date of the consummating order. Compliance with this directive would result in the survey taking place over the Thanksgiving and Christmas holiday period. Our experience in other dockets indicates that this timing could be problematic. Upon consideration, we find it appropriate to postpone the required customer survey until after January 1,

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1991. We believe that such action will give subscribers the maximum opportunity to express their preferences regarding the proposed changes to their service. Accordingly, United shall conduct the required customer survey within thirty (30) days of the date this Order becomes final.

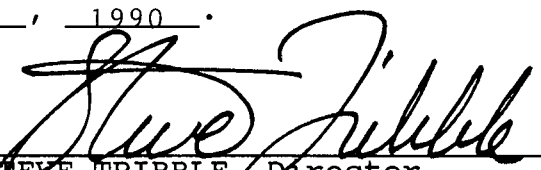
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida shall conduct a survey of certain customers as described herein within thirty (30) days of the date this Order becomes final. It is further

ORDERED that this Order shall become final and effective on the first working day following the date specified below, if no proper protest is filed to this proposed agency action within the time frame set forth below. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this
17th day of DECEMBER, 1990.



STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

ABG

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

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 7, 1991.

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 sewer 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.