

T

M E M O R A N D U M

September 20, 1991

**ORIGINAL
FILE COPY**

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GREEN)
RE: DOCKET NO. 870790-TL

Southern Bell, ALLTEL, and Gilchrist County have entered into a settlement agreement to resolve the issues in this docket. Attached please find the original document to be made a part of the official docket file.

Staff plans to file its recommendation on this matter in accordance with the existing CASR schedule.

Thank you for your assistance.

ABG/mgf
Attachment

cc: Division of Communications (Cimerman, O'Pry, Widell)

870790i.mgf

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC 6 _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
09436 SEP 23 1991
FPSC-RECORDS/REPORTING

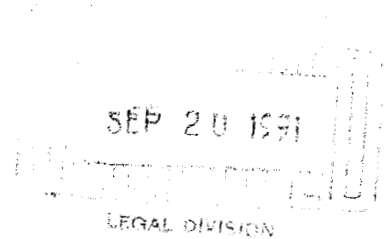
Law Offices of
THEODORE M. BURT, P.A.
114 Northeast First Street
Post Office Box 308
Trenton, Florida 32693

Theodore M. Burt, Esq.

(904) 463-2348
(904) 472-4722

September 18, 1991

Angela B. Green
Staff Council
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863



Re: Gilchrist County EAS

Dear Angela:

Enclosed please find the original Settlement Agreement signed by the parties, Gilchrist County, Southern Bell and Alltel.

The agreement encompasses a local calling service throughout Gilchrist County at a rate of \$.25 per call and retains the majority of the optional services that have already been implemented in Gilchrist County. Moreover, the local service remains unchanged as between Newberry and High Springs. I understand that the Settlement Agreement will be presented to the Public Service Commission for final consideration.

Yours truly,

Theodore M. Burt

TMB/gh

Enclosure: Settlement Agreement

mc: David Erwin, Esquire (with copy of enclosure)
1311-A Paul Russell Road, Suite #101
Tallahassee, Florida 32301

E. Barlow Keener, Esquire (with copy of enclosure)
150 South Monroe Street, Suite #400
Tallahassee, Florida

89-046.012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Extended) Docket No. 870790-TL
Area Service (EAS) Through)
Gilchrist County.)
_____)

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this 16th day of July, 1991, by the Board of County Commissioners of Gilchrist County ("Gilchrist County"), Southern Bell Telephone and Telegraph Company ("Southern Bell") and ALLTEL Florida, Inc. ("ALLTEL").

WHEREAS, on May 22, 1987, Gilchrist County requested that the Florida Public Service Commission ("Commission") consider requiring the implementation of countywide extended area service ("EAS") in Gilchrist County;

WHEREAS, on December 27, 1990, Gilchrist County protested the Commission's Notice of Proposed Agency Action Order dated December 10, 1990, Denying Gilchrist County's Request for Extended Area Service, Order No. 23856, and requested a hearing; and

WHEREAS, Gilchrist County, ALLTEL and Southern Bell desire to resolve the EAS request presented by the petition filed in this docket by Gilchrist County.

NOW THEREFORE, Gilchrist County, ALLTEL and Southern Bell agree as follows:

1. Southern Bell agrees to charge a local message rate of \$.25 per call regardless of the call duration for calls made between Southern Bell's Trenton exchange and Newberry exchange and to treat such calls as local calls.

2. ALLTEL agrees to charge a local message rate of \$.25 per call regardless of the call duration for calls made between ALLTEL's High Springs exchange and Branford exchange and to treat such calls as local calls.

3. Southern Bell will not object to the Commission ordering a local message rate of \$.25 per call to be applied to calls which are currently transported over a LATA boundary from the Trenton exchange to the High Springs or Branford exchange or over a LATA boundary from the Newberry exchange to the Branford exchange. ALLTEL will not object to the Commission ordering a local message rate of \$.25 per call to be applied to calls which are currently transported over a LATA boundary from the High Springs or Branford exchanges to Trenton exchange or over LATA boundary from the Branford exchange to the Newberry exchange. All parties recognize that Southern Bell's ability to provide such service is contingent upon obtaining appropriate relief of the court having jurisdiction over the Modification of Final Judgment ("MFJ"). Southern Bell agrees to use due diligence in seeking a waiver of the MFJ restrictions. The existing rates and

services between the Newberry and High Springs exchanges shall remain in effect.

4. It is the intent of Southern Bell and ALLTEL to implement the \$.25 local message rate, if so ordered by the Commission, by July 1, 1992.

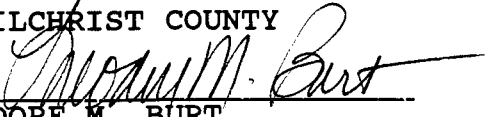
5. Southern Bell will discontinue all its Enhanced Optional Extended Area Service ("EOEAS") options in Gilchrist County with the exception of the EOEAS premium option. Notwithstanding the foregoing, Southern Bell's EOEAS options will continue to be offered to customers in the Trenton exchange for calls made between the Trenton exchange and the Gainesville exchange. All other existing local rates in Gilchrist County will remain in effect. The parties agree that this Agreement shall not preclude ALLTEL, Southern Bell or Gilchrist County from requesting rate relief in the future for any rates associated with the exchanges in Gilchrist County.

6. The parties agree that this Agreement shall not have precedential value for other proceedings and has been entered into solely for the purpose of resolving all disputes regarding the provision of EAS in Gilchrist County.

7. The parties agree that this settlement must be adopted by the Commission in its entirety in order to be valid and binding on the parties and if not approved in its entirety, it shall be null and void.

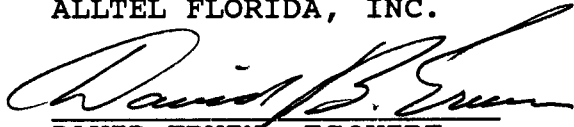
Entered into this 9th day of ^{September}~~July~~, 1991.

BOARD OF COUNTY COMMISSIONERS
OF GILCHRIST COUNTY



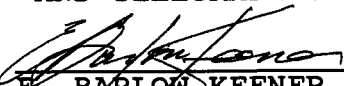
THEODORE M. BURT
Florida Bar Number 172404
114 Northeast First Street
Post Office Box 308
Trenton, Florida 32693
(904) 463-2348 or 472-4722

ALLTEL FLORIDA, INC.



DAVID ERWIN, ESQUIRE
Mason, Erwin & Horton, PA
1311-A Paul Russell Road,
Suite 101
Tallahassee, Florida 32301

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY



E. BARLOW KEENER
c/o Marshall M. Criser, III
150 So. Monroe Street
Suite 400
Tallahassee, FL 32301