

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by Bradford) DOCKET NO. 910022-TL
County Commission requesting)
extended area service within)
Bradford County and between)
Bradford County, Union County)
and Gainesville.)
)
In Re: Petitions of SOUTHERN) DOCKET NO. 880069-TL
BELL TELEPHONE AND TELEGRAPH)
COMPANY for rate stabilization) ORDER NO. PSC-92-0282-FOF-TL
and implementation orders and) ISSUED: 05/04/92
other relief.)
)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING IMPLEMENTATION
OF ALTERNATIVE TOLL PLAN

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.

By Order No. 25566, issued January 6, 1992, we proposed requiring ALLTEL Florida, Inc. (ALLTEL), Central Telephone Company of Florida (Centel), and Southern Bell Telephone and Telegraph Company (Southern Bell) to implement an alternative toll plan known as the \$.25 plan on certain routes between Bradford County, Union County, and Gainesville. Under our proposal, the companies would have been required to implement the calling plan within six months of the date that Order No. 25566 became final. Order No. 25566 was scheduled to become final and effective on January 28, 1992, absent the filing of a proper protest.

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On January 21, 1992, Southern Bell filed what it styled as a Limited Protest of Certain Portions of Order No. 25566. Specifically, Southern Bell protests the language at page 7 of the Order which states that we

shall approve Southern Bell's request that any revenue reduction be applied to its EAS offset amount, to the extent that there is any actual revenue reduction after stimulation.

As grounds for its protest, Southern Bell asserts that this issue was not properly before us at the time of our decision and that this issue should be considered within Docket No. 880069-TL, where the "EAS offset amount" has been reserved. Finally, Southern Bell states it does not wish to protest any of the other substantive decisions reflected in Order No. 25566.

On February 18, 1992, ALLTEL filed a Request for Extension of Time within which to implement the calling plan required by Order No. 25566. As grounds for its request, ALLTEL states that its Brooker exchange will not become digital until September, 1992, and that digital equipment is needed for the calling plan we had proposed. Therefore, ALLTEL requests that it not be required to implement our proposed calling plan until October 1, 1992.

Since the time of our original decision in this docket, we have considered the issue of the revenue impact of the \$.25 plan in two other dockets involving Southern Bell. In both Docket No. 910528-TL and Docket No. 910763-TL, we determined it would be appropriate to take stimulation into account to determine the actual revenue impact to Southern Bell when applying this lost revenue to the EAS monies set aside in Docket No. 880069-TL. We also found it appropriate to recognize additional associated costs, other than lost revenue, and to take those costs into account. Finally, because of our belief that the bulk of stimulation occurs within the first few months following implementation, we found six months to be an appropriate length of time after which to consider stimulation for this purpose. Accordingly, we shall follow the same procedure here regarding the EAS set aside in Docket No. 880069-TL.

As regards the balance of Order No. 25566, we find it appropriate to reaffirm our original decision in all other respects. Accordingly, we hereby propose all of the actions

originally proposed in Order No. 25566, except for the change in the revenue impact issue that is reflected above. We note that the effect of this action is to render ALLTEL's Request for Extension of Time moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that all of our decisions proposed in Order No. 25566 are hereby proposed again, except as modified in the body of this Order. It is further

ORDERED that the Limited Protest of Certain Portions of Order No. 25566 filed by Southern Bell Telephone and Telegraph Company on January 21, 1992, is hereby granted to the extent outlined herein. It is further

ORDERED that the Request for Extension of Time filed by ALLTEL Florida, Inc. on February 18, 1992, is found to be moot. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, ALLTEL Florida, Inc., Central Telephone Company of Florida, and Southern Bell Telephone and Telegraph Company shall, within six months of the date of this Order becomes final, implement an alternative toll plan that complies with the terms and conditions set forth in the body of Order No. 25566, as modified herein. It is further

ORDERED that our proposed action shall become final and Docket No. 910022-TL shall be closed following expiration of the protest period specified below, if no proper protest to our proposed agency action is filed in accordance with the requirements set forth below. It is further

ORDERED that Docket No. 880069-TL shall remain open.

By ORDER of the Florida Public Service Commission, this 4th
day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 25, 1992.

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.

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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 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.