

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by PASCO COUNTY ) DOCKET NO. 910529-TL  
BOARD OF COUNTY COMMISSIONERS for) )  
extended area service between ) )  
all Pasco County exchanges. ) )

In re: Request for extension of ) DOCKET NO. 920270-TL  
time to implement the Gilchrist ) ORDER NO. PSC-92-1475-FOF-TL  
County \$.25 calling plan by ) ISSUED: 12/21/92  
ALLTEL FLORIDA, INC. ) )

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

ORDER GRANTING MOTIONS FOR EXTENSION OF TIME

BY THE COMMISSION:

BACKGROUND

Docket No. 920270-TL

By Order No. 25340, issued November 13, 1991, we proposed accepting an agreement reached between a number of the parties to Docket No. 870790-TL. Under the terms of this agreement, the alternative toll relief plan known as the \$.25 plan would be implemented between a number of exchanges in Gilchrist County. No protest was filed to our proposal, so Order No. 25340 became final on December 5, 1991.

Four exchanges are affected by Order No. 25340: Branford, High Springs, Newberry, and Trenton. The Branford and High Springs exchanges are served by ALLTEL Florida, Inc. (ALLTEL), while the Newberry and Trenton exchanges are served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). In addition to involving intercompany routes, this toll relief plan also involves interLATA (local access transport area) routes. The Branford and High Springs exchanges are located in the Jacksonville LATA, while the Newberry and Trenton exchanges are located in the Gainesville LATA.

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FPSC-RECORDS/REPORTING

None of the four exchanges are located exclusively in Gilchrist County.

By Order No. 25340, we directed that the \$.25 plan be implemented on the following routes:

Branford to High Springs  
Trenton to Newberry  
Branford to Trenton\*  
High Springs to Trenton\*  
Branford to Newberry\*

The Branford to High Springs route is an intracompany intraLATA route served by ALLTEL, while the Trenton to Newberry route is an intracompany intraLATA route served by Southern Bell. The three remaining routes (marked with an asterisk) are intercompany interLATA routes. Order No. 25340 requires that the \$.25 plan be implemented on all five of these routes no later than July 1, 1992.

By Order No. PSC-92-0557-FOF-TL, issued June 23, 1992, we granted ALLTEL an extension of time until August 1, 1992, to implement the Branford to High Springs route. We noted that Southern Bell's intracompany route (Trenton to Newberry) was implemented on March 20, 1992. For the three remaining interLATA routes, we granted an extension of time to both ALLTEL and Southern Bell until a decision is made by the federal court on Southern Bell's Modified Final Judgment (MFJ) waiver request.

Docket No. 910529-TL

By Order No. PSC-92-0158-FOF-TL, issued April 6, 1992, we proposed requiring GTE Florida Incorporated (GTEFL), Southern Bell, and United Telephone Company of Florida (United) to implement the \$.25 plan between a number of exchanges in Hernando, Hillsborough, and Pasco Counties. In addition, we proposed requiring a survey of certain subscribers for implementation of nonoptional, flat rate, two-way calling between certain exchanges. No protest was filed to our proposal, so Order No. PSC-92-0158-FOF-TL became final on April 28, 1992.

The Order requires that the \$.25 plan be implemented by October 26, 1992, for some routes, and by January 1, 1993, for other routes. A number of the routes on which the \$.25 plan is to be implemented are interLATA routes served by either GTEFL or Southern Bell (or both). For these routes, a waiver of the MFJ or

Consent Decree, as appropriate, is required before the calling plan can be implemented.

DISCUSSION

On October 13, 1992, Southern Bell filed a Motion for Extension of Time in which to implement the \$.25 plan on the three remaining routes in Gilchrist County (Docket No. 920270-TL). On November 5, 1992, ALLTEL filed a similar motion, mirroring Southern Bell's request.

On October 20, 1992, Southern Bell filed a Motion for Extension of Time in which to implement the \$.25 plan on the Brooksville/Hudson route (Docket No. 910529-TL). On November 4, 1992, GTEFL filed a similar motion for the Brooksville/Hudson, San Antonio/Tampa-North, and Dade City/Tampa-North routes.

Southern Bell states that it has filed an appropriate motion with the United States District Court for the District of Columbia (the Court) in United States v. Western Electric Company and American Telephone and Telegraph Company, Civil Action No. 82-0192-HHG, for waiver of the MFJ for the purpose of implementing the above-referenced calling plans. AT the time it filed its Motions with this Commission, Southern Bell had not yet obtained the MFJ waiver from the Court. In addition, the Department of Justice (DOJ) has now filed a recommendation with the Court to deny Southern Bell's waiver requests for all of the affected routes in seven Florida dockets (870790-TL, 891246-TL, 900039-TL, 910022-TL, 910029-TL, 910528-TL, and 910529-TL), as well as for an Alabama calling plan. GTEFL states that it has also filed an appropriate waiver request, which the Court has not yet acted upon. Finally, ALLTEL states that it cannot comply with our directive until Southern Bell receives the necessary waiver.

Initially, we note that the Companies cannot lawfully implement the calling plans we have ordered on the above interLATA routes without first receiving the Court's approval. Because of our concerns regarding the DOJ's recommendation, this Commission has made a filing with the Court in support of granting Southern Bell's waiver requests. However, this process could be time-consuming and we cannot estimate when the Court will rule on the waiver requests.

Upon consideration, we find it appropriate to grant all of the requests for extension of time. The companies all state that after

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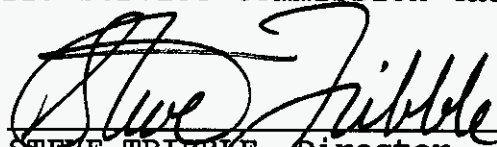
such time as the Court grants the waivers, additional time will be needed to make the final preparations for implementation. Accordingly, we shall postpone the implementation dates for the remaining routes in Docket No. 920270-TL until 90 days after the waiver is obtained. For the above specified routes in Docket No. 910529-TL, both Southern Bell and GTEFL state that the preparations for implementation will be unusually extensive due to needed construction. Accordingly, for these routes we shall postpone implementation until 120 days after the waiver is obtained.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motions for Extension of Time filed by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company on October 13, 1992, and October 20, 1992, by GTE Florida Incorporated on November 4, 1992, and by ALLTEL Florida, Inc. on November 5, 1992, are hereby granted for the reasons and in the manner set forth herein. It is further

ORDERED that these dockets are hereby closed.

By ORDER of the Florida Public Service Commission this 21st day of December, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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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.

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 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 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.