

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by Broward Board) DOCKET NO. 911034-TL
of County Commissioners for) ORDER NO. PSC-93-0842-FOF-TL
extended area service between) ISSUED: June 7, 1993
Fort Lauderdale, Hollywood,)
North Dade and Miami.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REMOVING DOCKET NO. 911034-TL FROM DOCKET
NO. 920260-TL, DIRECTING COMPANY TO CONDUCT
ADDITIONAL TRAFFIC STUDIES, AND REQUIRING
IMPLEMENTATION OF ALTERNATIVE TOLL RELIEF 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.

BACKGROUND

This docket was initiated pursuant to Resolution No. 91-252 filed with this Commission by the Broward County Board of County Commissioners. The Resolution requested that we consider requiring implementation of extended area service (EAS) between the Fort Lauderdale, Hollywood, North Dade, and Miami exchanges. We also received a number of letters from residents of the Weston and Davie areas of the Fort Lauderdale exchange, requesting EAS between Fort Lauderdale, North Dade, and Miami. These exchanges are all located in the Southeast LATA (local access transport area) and are served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). The Fort Lauderdale and Hollywood exchanges are located in Broward County, while the North Dade and Miami exchanges are located in Dade County.

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By Order No. 25208, issued October 11, 1991, we directed Southern Bell to conduct traffic studies on these routes. By Order No. 25517, issued December 23, 1991, we granted Southern Bell's Motion for Extension of Time. The traffic studies were conducted for a 30 day period beginning October 15, 1991, through November 13, 1991. Subsequently, the Company filed the required traffic studies.

At our May 5, 1992, Agenda Conference, we voted to deny flat-rate EAS on these routes, since the calling rates did not meet the requirements of Rule 25-4.060, Florida Administrative Code. In addition, because of the complexity of the issues surrounding this docket and the potential revenue impact of any alternative toll relief plan, we found it appropriate to consolidate this docket into the Southern Bell Rate Case, Docket No. 920260-TL.

DISCUSSION

We believe due to the amount of time elapsed since the Resolution was filed with us, and because the Southern Bell Rate Case hearings have been postponed until 1994, that Broward County's EAS request should now be removed from the rate case and reviewed separately. Accordingly, we find that Docket No. 911034-TL shall be removed from Docket No. 920260-TL.

In addition, the traffic studies for this docket were conducted in 1991. Since that time, Hurricane Andrew wreaked havoc on Dade County. Residents from the Fort Lauderdale/Hollywood area have advised us that their calling patterns have changed substantially since Hurricane Andrew, due to the relocation of residents and businesses from South Florida. These residents contend that with the influx of new residents into the Fort Lauderdale/Hollywood area, it has substantially increased calling to the Miami area because a majority of the newcomers work in Dade County. We agree that this is highly likely. Accordingly, we find it appropriate to waive Rule 25-4.059, Florida Administrative Code, that normally limits reviews of EAS to every three years. Southern Bell shall therefore be required to conduct new traffic studies on these routes within 90 days of the date this Order becomes final.

Finally, we believe it is now appropriate to offer a toll relief plan on the routes in this area while flat-rate EAS is further studied. The plan we shall require is the hybrid \$.25 plan. Under this calling plan, residential calls shall be rated at \$.25 per call in both directions regardless of the call duration.

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Calls by business customers shall be rated at a per minute rate of \$.10 for the initial minute and \$.06 for additional minutes. These calls shall be furnished on a seven-digit basis. Pay telephone providers shall charge end users as if these calls were local calls and the providers shall pay the standard measured usage rate to the Company. The calling plan shall be implemented on the following routes (except for the Pembroke Pines area): Fort Lauderdale/North Dade; Fort Lauderdale/Miami; and Hollywood/Miami. The EOEAS plan presently in place on the North Dade to Fort Lauderdale and the Hollywood to Miami routes shall be cancelled (except for the premium flat-rate option). The point to point plan presently offered on the Miami to Hollywood route shall also be discontinued. Southern Bell shall implement these changes within six months of the date this Order becomes final.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket No. 911034-TL shall be removed from Docket No. 920260-TL and processed separately. It is further

ORDERED that Rule 25-4.059, Florida Administrative Code, has been waived for the reasons set forth herein. It is further

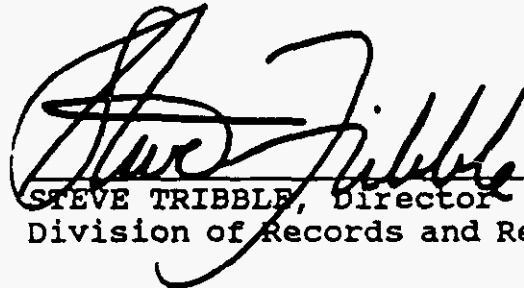
ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall conduct new traffic studies as described in the body of this Order. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall, within six months of the date this Order becomes final, implement an alternative toll relief plan that complies with the terms and conditions set forth in the body of this Order. It is further

ORDERED that the effective date of our actions described herein is the first working day following the date specified below, if no proper protest to this proposed agency action is filed 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 7th day
of June, 1993.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 June 28, 1993.

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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 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.