

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by DeSoto ) DOCKET NO. 921268-TL  
County Board of County ) ORDER NO. PSC-93-1633-FOF-TL  
Commissioners for extended area ) ISSUED: November 8, 1993  
service (EAS) between the )  
Arcadia and Port Charlotte )  
exchanges and also between the )  
Port Charlotte pocket in DeSoto )  
County and Arcadia exchanges. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING REQUEST FOR EXTENDED AREA SERVICE

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.

On December 17, 1992, the DeSoto County Board of County Commissioners filed Resolution 1992-76 with this agency requesting extended area service (EAS) for the Customers in the Port Charlotte exchange within Southwestern DeSoto County to the remaining portion of DeSoto County. The Port Charlotte and Arcadia exchanges are served by United Telephone of Florida (United) and are located in the Fort Myers Market Area.

On February 2, 1992, we issued Order No. PSC-93-0164-FOF-TL requiring United to conduct traffic studies for these routes. On September 7, 1993, United filed the required traffic studies.

Rule 25-4.060(2), Florida Administrative Code requires a calling rate of at least three Messages per Access Line per Month (MAMs) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is sought. The Rule further requires that at least 50% of the

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subscribers in the petitioning exchange make two or more calls per month. None of the routes surveyed meet these requirements. Based on these studies the routes do not qualify for flat rate EAS. Furthermore, there is insufficient calling to justify an alternative EAS plan. Accordingly, we find it appropriate to deny DeSoto County's request.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resolution by the DeSoto County Board of County Commissioners, requesting extended area service between the Arcadia and the DeSoto County Pocket of the Port Charlotte exchanges is hereby denied. It is further

ORDERED that any protest of this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if no protest is timely filed this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of November, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

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 November 29, 1993.

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.