

MEMORANDUM

May 1, 1996

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FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CANZANO) *2/11*
RE: DOCKET NO. 950699-TL - RESOLUTION BY CITY COMMISSION OF
HAINES CITY REQUESTING EXTENDED AREA SERVICE (EAS) FROM
HAINES CITY EXCHANGE TO ALL EXCHANGES WITHIN POLK COUNTY.

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER REGARDING
EXTENDED AREA SERVICE, to be issued in the above-referenced docket.
(Number of pages in Order - 4)

DLC/anr
Attachment
cc: Division of Communications
I: 950699PA.DC

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by City) DOCKET NO. 950699-TL
Commission of Haines City) ORDER NO. PSC-96-0620-FOF-TL
requesting extended area service) ISSUED: May 8, 1996
(EAS) from Haines City exchange)
to all exchanges within Polk)
County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER REGARDING 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. Background

This docket was initiated pursuant to Resolution No. 627 filed on May 18, 1995, by the City of Haines City requesting extended area service (EAS) from the Haines City exchange to all exchanges within Polk County. The Haines City, Lakeland, Bartow and Mulberry exchanges are served by GTE Florida Incorporated (GTEFL) and are located in the Tampa Market Area. The Fort Meade, Avon Park, and Bowling Green exchanges are served by United Telephone Company of Florida (United) and are located in the Fort Myers Market Area.

By Order No. PSC-95-1429-PCO-TL, issued November 17, 1995, we ordered GTEFL to conduct traffic studies on the intraLATA (local access and transport area) routes involved in this docket. GTEFL was not ordered to conduct traffic studies on the interLATA routes, because it no longer performs billing services for AT&T.

II. Extended Area Service

Section 364.385(2), Florida Statutes, provides that all applications for extended area service or extended calling service pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995. Proceedings including judicial review pending on July 1, 1995, shall be

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governed by the law as it existed prior to the date on which this section becomes law. No new proceedings governed by the law as it existed prior to January 1, 1995, shall be initiated after July 1, 1995. Any administrative adjudicatory proceeding which has not progressed to the stage of a hearing by July 1, 1995, may, with the consent of all parties and the Commission, be conducted in accordance with the law as it existed prior to January 1, 1996.

Because this EAS request was filed after March 1, 1995, but before July 1, 1995, and since all the parties agree to abide by the previous version of Chapter 364, the existing EAS rules apply. To be considered for balloting for EAS, Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three messages per access line per month (M/A/Ms) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is desired. This rule further requires that at least 50 percent of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS.

Because GTEFL no longer provides billing services for AT&T, interLATA traffic data was not required. Since the routes with traffic data did not indicate any community of interest, we do not believe the additional interLATA traffic information would change the result of this docket.

Accordingly, based on Rule 25-4.060(3), Florida Administrative Code, none of the routes under consideration in this docket meet the M/A/M or distribution requirements to qualify for a survey for nonoptional, two-way, flat rate EAS.

III. Alternative Toll Plan

Historically, this Commission has considered the \$.25 calling plan or ECS on routes that met the calling rate and exhibited a substantial showing on the distribution requirement. ECS rates residential calls at \$.25 per call regardless of duration, and business calls at \$.10 for the first minute and \$.06 for each additional minute. Typically, these cases were close to meeting our requirements but fell short by a small percentage on the distribution criteria.

The same criteria previously used to evaluate EAS and ECS requests should be applied to this decision. Generally, this Commission has required implementation of alternative toll plans when the traffic study indicated that the calling volumes met the 3 M/A/M requirement and were close to meeting the 50% distribution

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requirement. This Commission has also approved alternative toll plans when the LECs have proposed ECS.

We find that the calling rates on the intraLATA routes do not have sufficient calling volumes or distribution to warrant an alternative toll plan. None of the routes met the 3 M/A/M requirement or the distribution criteria. Since the traffic data on the intraLATA routes did not indicate a community of interest, we do not believe that additional interLATA traffic information would change this result. Therefore, we find that no alternative toll plan is approved for these routes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by the City of Haines City for extended area service from the Haines City exchange to all the exchanges within Polk County is hereby denied. None of the routes qualify for a survey for nonoptional, flat rate, two-way extended area service. It is further

ORDERED that no alternative toll plans shall be offered on the routes considered in this docket. It is further

ORDERED that this Order shall become final and effective on the date set forth below if no timely protest is filed pursuant to the requirements set forth below in the "Notice of Further Proceedings or Judicial Review." It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 8th day of May, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DLC

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 29, 1996.

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 substantially 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.