

FLORIDA PUBLIC SERVICE COMMISSION  
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Tallahassee, Florida 32399-0850

MEMORANDUM

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July 24, 1997

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FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WIGGINS) *W*  
DIVISION OF LEGAL SERVICES (CULPEPPER) *MCB*

RE: DOCKET NO. 970826-TL - RESOLUTION BY LAKE COUNTY BOARD OF COMMISSIONERS REQUESTING EXTENDED AREA SERVICE BETWEEN THE EUSTIS AND UMATILLA EXCHANGES AND THE DEBARY, DELAND AND ORANGE CITY EXCHANGES; AND BETWEEN THE EUSTIS AND MOUNT DORA EXCHANGES AND THE SANFORD AND ORLANDO EXCHANGES.

AGENDA: AUGUST 5, 1997 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970826TL.RCM

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CASE BACKGROUND

On June 4, 1997, the Lake County Board of Commissioners filed Resolutions 1997-81 and 1997-82 requesting extended area service (EAS) between the Eustis and Umatilla exchanges and the Debary, Deland and Orange City exchanges; and between the Eustis and Mount Dora exchanges and the Sanford and Orlando exchanges. Sprint-Florida, Inc. (Sprint) provides service to the Eustis, Mount Dora, Orange City, and Umatilla exchanges. BellSouth Telecommunications, Inc. (BellSouth) provides service to the Debary, Deland, Orlando, and Sanford exchanges. The Eustis, Mt. Dora, and Umatilla exchanges are located in the Gainesville LATA. The Debary, Orange City, Orlando, and Sanford exchanges are located in the Orlando LATA. The Deland exchange is located in the Daytona Beach LATA. Attachment A is a map of the exchanges involved.

Sprint and BellSouth are both price-regulated local exchange companies (LECs).

DOCUMENT NUMBER-DATE

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**ISSUE 1:** Should the Commission approve the request by the Lake County Board of Commissioners for EAS between the Eustis and Umatilla exchanges and the Debary, Deland and Orange City exchanges; and between the Eustis and Mount Dora exchanges and the Sanford and Orlando exchanges?

**STAFF RECOMMENDATION:** No. Any requests for EAS or ECS filed after July 1, 1995, that are implemented become part of non-basic service. Since EAS or ECS requested after July 1, 1995, would become a non-basic service, the Commission is without jurisdiction to require the price-regulated LECs to implement EAS or ECS. Thus, staff believes that since Lake County's request was filed on June 4, 1997, the decision to implement EAS or ECS is solely within the discretion of the price-regulated LECs, rather than this Commission.

**STAFF ANALYSIS:** The resolutions addressed in this recommendation were filed after July 1, 1995 (June 4, 1997). Section 364.02(2), Florida Statutes, states that basic local telecommunications service for a local exchange telecommunications company includes any extended area service (EAS) routes, and extended calling service (ECS) in existence or ordered by the Commission on or before July 1, 1995. The savings clause in Section 364.385(2), Florida Statutes, sets forth the situations in which the old law rather than the new law is applied. Specifically, it provides that all applications for EAS or ECS pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995, and that upon approval, the EAS or ECS routes shall be considered basic services.

Resolutions and petitions requesting EAS or ECS filed after July 1, 1995, are problematic in light of the revisions to Chapter 364, Florida Statutes. Section 364.385(2), Florida Statutes, provides that:

Proceedings including judicial review pending on July 1, 1995, shall be governed by the law as it existed prior to the date on which this section becomes a law. No new proceedings governed by the law as it existed prior to July 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.

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Thus, based upon the revisions to Chapter 364, for any docket originated after July 1, 1995, there can be no new PSC-ordered EAS or ECS based on the old law for companies that have elected price regulation. BellSouth and Sprint opted for price regulation, effective January 1, 1996 and January 2, 1996, respectively (Docket No. 951354-TL, Order No. PSC-96-0036-FOF-TL and Docket No. 960075-TL, Order No. PSC-96-032-FOF-TL). If EAS or ECS is implemented after that date, it would be under the terms of the new law. It is clear that EAS or ECS implemented after July 1, 1995, becomes part of non-basic service. Since EAS or ECS requested after July 1, 1995, would become a non-basic service, the Commission is without jurisdiction to require the price-regulated LECs to implement EAS or ECS. Since Lake County's request was filed on June 4, 1997, the decision to implement EAS or ECS is solely within the discretion of the price-regulated LECs, rather than this Commission.

This recommendation is consistent with Commission action in Dockets Nos. 951097-TL (EAS between Fernandina Beach and Jacksonville), 951269-TL (EAS - Charlotte County), 960086-TL (EAS from Cherry Lake and Lee to Tallahassee), 960087-TL (EAS - Orange City to Winter Park and Orlando), 960612-TL (EAS from Punta Gorda to specific areas in Charlotte County), 960615-TL (EAS between Kingsley Lake and Middleburg and Orange Park; and EAS between Keystone Heights and Middleburg and Orange Park), 960632-TL (EAS between Lady Lake and adjacent areas of Marion County), and 961266-TL (EAS Countywide in Okaloosa County).

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order from this recommendation, this docket should be closed.

**STAFF ANALYSIS:** If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order from this recommendation, this docket should be closed.

LAKE

