

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by NASSAU COUNTY BOARD OF) DOCKET NO. 910511-TL
COUNTY COMMISSIONERS for extended area) ORDER NO. 25047
service between all Nassau County exchanges) ISSUED: 9/12/91
)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

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.

This docket was initiated pursuant to Resolution No. 91-66 filed with this Commission by the Nassau County Board of County Commissioners (the County). The Resolution requested that we consider requiring implementation of extended area service (EAS) between all Nassau County exchanges. Specifically, the exchanges in Nassau County are the Callahan, Fernandina Beach, Hilliard, and Yulee exchanges, as well as a pocket of the Baldwin exchange. The Callahan and Hilliard exchanges are served by ALLTEL Florida, Inc. (ALLTEL), while the Baldwin, Fernandina Beach, and Yulee exchanges are served by Southern Bell Telephone and Telegraph Company (Southern Bell). All of these exchanges are located in the Jacksonville LATA (local access transport area).

We have previously considered requiring countywide EAS in Nassau County. In December of 1988, the County filed a resolution with this Commission requesting countywide EAS. In response, we opened Docket No. 881561-TL. Traffic studies were filed in that docket in March of 1989. The traffic studies showed little traffic flowing on the intracounty toll routes. Accordingly, by Order No. 21563, issued July 12, 1989, we denied implementation of countywide EAS.

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Rule 25-4.059(1), Florida Administrative Code, states in pertinent part: "a determination by the Commission of the need for establishment of a particular Extended Area Service arrangement shall not be undertaken more frequently than once in any three year period." As noted above, we examined the possibility of countywide EAS in Nassau County in 1989. Inasmuch as the pending request is exactly the same as the previous request of less than three years ago, we shall not order ALLTEL and Southern Bell to file traffic studies in this docket. Furthermore, there is no reason to believe that the traffic patterns would have changed significantly since the original traffic studies were filed in March, 1989. We are unaware of any significant demographic changes in Nassau County in the last three years and it is our belief that any new traffic studies would show essentially the same traffic patterns as the previous studies.

The 1989 traffic volumes did not qualify for traditional flat rate EAS or any toll alternative at the time we ruled in 1989. Since that time, we have ordered implementation of a \$.25 message rate plan on certain intracounty routes with low traffic volumes, where other community of interest factors were significant. See, e.g., Docket No. 900302-TL. In our view, however, the situation in Nassau County is different.

The primary community of interest for Nassau County residents is Jacksonville. Jacksonville provides medical facilities, shopping, entertainment, and higher education facilities to residents of Nassau County. In fact, for two of the exchanges (Baldwin and Callahan) which do not have toll free calling to the county seat (Fernandina Beach), Jacksonville is physically closer than the county seat. Baldwin, Callahan, and Yulee have toll free calling to the Jacksonville exchange and Fernandina Beach has an optional EAS plan in place for calling to the Jacksonville exchange. It should be noted that Nassau County contains only a pocket of the Baldwin exchange, representing approximately 10% of the total Baldwin subscribers. For all of these reasons, we shall not order the companies to implement an alternative toll relief plan either.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 91-66 filed by the Nassau County Board of County

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Commissioners is hereby denied for the reasons set forth herein.
It is further

ORDERED that our actions proposed herein shall become final and this docket shall be closed following expiration of the protest period specified below, if no proper protest to our proposed agency action is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 12th
day of SEPTEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

By: Kay Morgan
Chief, Bureau of Records

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-

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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 10/03/91.

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 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 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.

MEMORANDUM

September 9, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GREEN)
RE: DOCKET NO. 910511-TL

CS TP

25047

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING REQUEST FOR EXTENDED AREA SERVICE in the above-referenced docket, which is ready to be issued.

ABG/mgf
Attachment
cc: Division of Communications

910511a.mgf

*Protests
due 10/3/91*

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