

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by LIBERTY) DOCKET NO. 910510-TL
COUNTY BOARD OF COUNTY) ORDER NO. PSC-92-0194-FOF-TL
COMMISSIONERS for extended area) ISSUED: 04/13/92
service to the Tallahassee)
exchange.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING THE IMPLEMENTATION OF EXTENDED
AREA SERVICE TO THE TALLAHASSEE EXCHANGE
AND
FINAL ORDER WITHDRAWING THE CONFIDENTIAL
TREATMENT OF CERTAIN TRAFFIC DATA STUDIES
WHICH WERE GRANTED BY ORDER NO. 25433

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed in Section I. of this Order are 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 opened pursuant to a request by the Liberty County Board of Commissioners for implementation of EAS service between the Liberty County and Tallahassee telephone exchanges. Liberty County contains part or all of the Bristol, Carrabelle, Eastpoint, and Hosford exchanges. St. Joseph Telephone and Telegraph Company (St. Joe) serves the Liberty County exchanges. Central Telephone Company of Florida, Inc. (Centel) serves the Tallahassee exchange. The Liberty County exchanges are located in the Panama City LATA and the Tallahassee exchange is located in the Tallahassee market area (LATA).

By Order No. 24669, issued 6/17/91, we required the companies to conduct traffic studies. By Order No. 25433, issued 12/3/91, we granted confidential treatment to the interLATA traffic data filed by St. Joe. By Order No. 25364, issued 11/20/91, we required St.

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FPSC-RECORDS/REPORTING

Joe to conduct customer surveys of the Bristol, Carrabelle, and Hosford subscribers for EAS to Tallahassee.

I. EAS

We now decide whether to order the implementation of flat-rate, two-way, nonoptional EAS for toll free calling on the Hosford-Tallahassee route. Rule 25-4.063(5)(a), Florida Administrative Code provides states that a survey passed if Fifty-one (51%) percent of all subscribers in each exchange required to be surveyed vote favorably. The results of the survey of Hosford subscribers follow:

	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>	<u>PERCENT OF TOTAL RETURNED</u>
Ballots Mailed	553	100.00%	N/A
Ballots Returned	365	66.00%	100.00%
Unreturned Ballots	188	34.00%	N/A
For EAS	318	57.50%	87.12%
Against EAS	36	6.51%	9.86%
Invalid	11	1.99%	3.02

The Hosford subscribers were surveyed at the following rates:

R-1 \$9.15 B-1 \$24.00 PBX \$46.00

Since 57.50% of the customers surveyed voted in favor of EAS to Tallahassee, the survey passed under the Rule. Therefore, we shall require St. Joe and Centel to implement flat-rate, two-way, nonoptional EAS for toll free calling on the Hosford-Tallahassee route at the rates shown above, with no increase for Tallahassee subscribers. This service shall be implemented as soon as possible but no later than twelve (12) months from the date of this order.

Next, we decide whether to order implementation of flat-rate, two-way, nonoptional EAS for toll free calling on the Bristol-Tallahassee, Carrabelle-Crawfordville, Carrabelle-Sopchoppy, Carrabelle-Tallahassee routes at the rates set forth below. The Crawfordville and Sopchoppy exchanges lie between the Carrabelle and Tallahassee exchange. Because we have not allowed leapfrogging of exchanges in EAS cases, customers in Carrabelle were surveyed for calling to the Crawfordville, Sopchoppy, and Tallahassee

exchanges. Customers in the Crawfordville and Sopchoppy exchanges already have EAS to Tallahassee.

Rule 25-4.063(5), Florida Administrative Code provides that a survey passed if:

(a) Fifty-one (51%) percent of all subscribers in each exchange required to be surveyed vote favorably; or

(b) Sixty (60%) percent of the respondents in each exchange vote favorably and at least seventy (70%) percent of all subscribers in each exchange required to be surveyed respond.

The results of the surveys follow:

SURVEY OF BRISTOL SUBSCRIBERS

	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>	<u>PERCENT OF TOTAL RETURNED</u>
Ballots Mailed	1435	100.00%	N/A
Ballots Returned	897	62.51%	100.00%
Unreturned Ballots	538	37.49%	N/A
For EAS	705	49.13%	78.60%
Against EAS	187	13.03%	20.85
Invalid	5	.35%	.55

SURVEY OF CARRABELLE SUBSCRIBERS

	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>	<u>PERCENT OF TOTAL RETURNED</u>
Ballots Mailed	1561	100.00%	N/A
Ballots Returned	992	63.55%	100.00%
Unreturned Ballots	569	36.45%	N/A
For EAS	734	47.02%	73.99%
Against EAS	252	16.14%	25.40
Invalid	6	.39%	.61

The Bristol and Carrabelle customers were surveyed at the following rates:

R-1	\$9.15	B-1	\$24.00	PBX	\$46.00
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The surveys of the Bristol and Carrabelle subscribers failed under the Rule. However, we find that the Bristol and Carrabelle subscribers have convincingly expressed their desire for EAS to Tallahassee. The votes in this instance were skewed towards those voting favorably (over 78% for Bristol respondents, and over 73% for Carrabelle respondents), and few respondents voted against the proposal (less than 21% percent of the Bristol respondents, and less than 26% of the Carrabelle respondents). Because of the skewing of the survey results; because of the low number of subscribers voting against the proposal (13.03% of Bristol subscribers and 16.14% of Carrabelle subscribers); and because of the much higher than average interexchange calling rates, we waive the requirements of the Rule and order St. Joe and Centel to implement flat-rate, two-way, nonoptional EAS for toll free calling on the Bristol-Tallahassee, Carrabelle-Crawfordville, Carrabelle-Sopchoppy, Carrabelle-Tallahassee routes at the rates set forth above. This service shall be implemented as soon as possible but no later than twelve (12) months from the date of this Order.

II. CONFIDENTIALITY

InterLATA traffic data is generally granted confidential treatment by the Commission because interLATA toll routes are subject to competition. Section 364.183(3)(e), Florida Statutes, provides for confidential treatment of data which is of a competitive nature. By Order No. 25433, issued in this Docket, we held such data to be entitled to confidential treatment. However, with our instant decision regarding EAS, traffic on the Bristol-Tallahassee, Carrabelle-Crawfordville, Carrabelle-Sopchoppy, Carrabelle-Tallahassee, and Hosford-Tallahassee routes will no longer be open to competition. Rather, it will become flat-rated local traffic. Since these routes will no longer be subject to competition, there is no longer a need to keep the traffic data, specific to these routes, confidential. Therefore, such traffic shall no longer be entitled to confidential classification. As the confidentiality of the material depends upon its status as a competitive route, the traffic data on the aforementioned routes shall remain confidential until the end of the protest period regarding the implementation of the EAS routes. If a timely protest is filed, the material shall become public only for routes which are ultimately determined to be entitled to EAS.

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The Eastpoint-Crawfordville, Eastpoint-Sopchoppy, and Eastpoint-Tallahassee routes will continue to be subject to competition. Therefore, the traffic data, specific to those routes, shall continue to be held confidential as set forth in Order No. 25433.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that St. Joseph Telephone and Telegraph Company and Central Telephone Company of Florida shall implement flat-rate, two-way, nonoptional EAS for toll free calling on the Hosford-Tallahassee route at the rates set forth in the body of this Order. The service shall be implemented as soon as possible, but no later than twelve (12) months from the date this Order. It is further

ORDERED that Rule 25-4.063(5), Florida Administrative Code, is waived for the Bristol-Tallahassee, Carrabelle-Crawfordville, Carrabelle-Sopchoppy, Carrabelle-Tallahassee routes. It is further

ORDERED that St. Joseph Telephone and Telegraph Company and Central Telephone Company of Florida shall implement flat-rate, two-way, nonoptional EAS for toll free calling on the Bristol-Tallahassee, Carrabelle-Crawfordville, Carrabelle-Sopchoppy, Carrabelle-Tallahassee routes at the rates set forth in the body of this Order. The service shall be implemented as soon as possible but no later than twelve (12) months from the date of this Order. It is further

ORDERED that the traffic data which was granted confidential treatment by Order No. 25433, shall no longer be held confidential, except on the Eastpoint-Crawfordville, Eastpoint-Sopchoppy, and Eastpoint-Tallahassee routes. This change in confidential status shall occur when the Commission's decision in Section I of this Order becomes final. It is further

ORDERED that if there is a timely protest to Section I. of this Order, the Commission's decision in Section II. shall be held in abeyance. It is further

ORDERED that this Docket shall be closed after expiration of the proposed agency action protest period if no timely protest is filed.

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By ORDER of the Florida Public Service Commission, this 13th
day of April, 1992.


STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

CWM

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.

As identified in the body of this order, our action ordering implementation of EAS in Section I of this Order 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 May 4, 1992. In the absence of such a petition, this order shall become effective on the date 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 the relevant portion of 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

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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.

Any party adversely affected by the Commission's final action in Section II of this Order withdrawing confidential classification for certain material held confidential in Order No. 25433 may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.