

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the ) DOCKET NO. 920666-TL  
Charlotte County Board of ) ORDER NO. PSC-93-0732-FOF-TL  
Commissioners for extended area ) ISSUED: May 13, 1993  
service between Boca Grande and )  
Cape Haze, Port Charlotte, and )  
Punta Gorda; and between Cape )  
Haze, Port Charlotte, and Punta )  
Gorda. )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA L. JOHNSON

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.

BACKGROUND

This docket was initiated pursuant to Resolution 92-106 filed with this Commission by the Charlotte County Board of County Commissioners. The Resolution requested that we consider requiring implementation of extended area service (EAS) between the Boca Grande exchange and the Cape Haze, Port Charlotte, and Punta Gorda exchanges; and between the Cape Haze, Port Charlotte, and Punta Gorda exchanges. All of these exchanges are served by United Telephone Company of Florida (United) and are located in the Fort Myers Market Area.

By Order No. PSC-92-0872-PCO-TL, issued August 25, 1992, we directed United to perform traffic studies between these exchanges to determine whether a sufficient community of interest exists, pursuant to Rule 25-4.060, Florida Administrative Code.

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FPCO-RECORDS/REPORTING

DISCUSSION

Initially, we note that in Docket No. 891239-TL, we directed that the \$.25 message rate plan be implemented on all intra-company, intraLATA (local access transport area) routes that were 10 miles or less. This plan was then implemented on August 24, 1991. The Boca Grande/Cape Haze route is included in this mileage band.

In addition, in the second United rate case, Docket No. 910980-TL, we determined it was appropriate to implement the \$.25 message plan on the Cape Haze to Port Charlotte route, due to the volume of calls. The \$.25 message rate plan was subsequently implemented on this route on November 14, 1992.

Rule 25-4.059, Florida Administrative Code, states that if a determination has been made by the Commission for EAS or an alternative toll relief plan on a specific route, then that route will not be reviewed more frequently than once in any three-year period. Accordingly, since determinations were made on these two routes within the last three years, Rule 25-4.059 directs that no further action shall be taken on the Boca Grande/Cape Haze and Cape Haze/Port Charlotte routes at this time.

The calling rates on the remaining routes are far below the threshold of Rule 25-4.060(2). This Rule requires a calling rate of at least three M/A/Ms (messages per access line per month) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is desired. The Rule further requires that at least 50% of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS.

In addition, we do not believe that the calling rates on the remaining routes display a sufficient calling volume to warrant consideration of an alternate toll relief plan. In some cases, we have required implementation of the \$.25 message rate plan on routes that did not meet the calling volume and/or distribution requirements for flat rate EAS, but did exhibit a substantial showing of calling interest. Typically, these cases have calling rates that are close to meeting our requirements but have failed on either the distribution or volume level by only a small degree. With the exception of the Boca Grande/Port Charlotte route, which had a moderate calling volume and distribution, but still fell short, the remaining routes were not even close to meeting our

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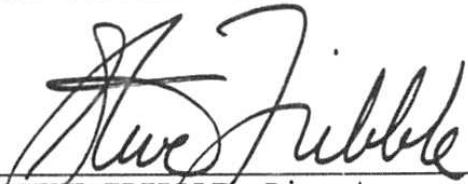
requirements. Accordingly, we find it appropriate to deny any further consideration of flat rate, nonoptional, two-way, toll free calling, as well as any alternative form of toll relief, on the routes discussed above.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 92-106 filed with this Commission by the Charlotte County Board of County Commissioners is hereby denied for the reasons set forth in the body of this Order. It is further

ORDERED that if no proper protest to this proposed agency action is filed within the time frame set forth below, this Order shall become final and effective and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 13th day of May, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ABG

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 June 3, 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.