

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for extended) DOCKET NO. 910377-TL
area service between Wellborn) ORDER NO. PSC-93-0988-FOF-TL
and Lake City.) ISSUED: 7/6/93
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING WAIVER REQUEST

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.

By Order No. PSC-92-0286-FOF-TL, issued May 5, 1992, we ordered implementation of extended area service (EAS) between the Wellborn and Lake City exchanges within 12 months of the date of the order. The Wellborn exchange is served by ALLTEL Florida, Inc. (ALLTEL), while the Lake City exchange is served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell).

On April 29, 1993, Southern Bell filed a Motion for Waiver of Rule 25-4.040(2), Florida Administrative Code (Motion). In its Motion, Southern Bell requests a waiver of Rule 25-4.040(2) for a period of 30 days. Subsequently, EAS was implemented between the Wellborn and Lake City exchanges on April 30, 1993.

Rule 25-4.040(2) provides that:

When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

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This Rule has been interpreted to mean that new, expanded directory listings must be furnished to customers at the time that EAS is implemented. Generally, local exchange companies implementing flat rate EAS time the implementation date to coincide with the regularly scheduled publication date of new directories.

Southern Bell's Motion states that in order to comply with Rule 25-4.040(2), it would be required to provide its subscribers in the Lake City exchange with telephone directories that include listings for subscribers in the Wellborn exchange. The Motion also states that ALLTEL's publishing company has been unable to provide the Wellborn listings, but that ALLTEL has represented that it will be able to provide these by early May, 1993. Finally, Southern Bell states that it did not want to delay implementation of EAS solely for this reason.

We believe it is appropriate that directory listings be available at the time flat rate EAS is implemented. This is particularly true when there is a large number of customers who can be expected to take advantage of EAS, or where customers will be faced with an increase in their local rates. However, neither situation is true of the Lake City subscribers. Since the community of interest is from the Wellborn exchange to the Lake City exchange and not the reverse, and because Lake City listings will be available to the Wellborn subscribers, we find Southern Bell's request to be appropriate.

We note, however, that Southern Bell has now learned that ALLTEL did, in fact, provide it with the required directory listings. Due to internal miscommunication, Southern Bell thought they had not been received. Southern Bell then provided the listings to the Lake City customers on May 11th, so a portion of the extension of time was still needed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Motion for Waiver filed April 29, 1993, by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby granted to the extent set forth herein. It is further

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

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By ORDER of the Florida Public Service Commission, this 6th
day of July, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 July 27, 1993.

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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.