

The following Commissioners participated in the disposition of this matter:

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

ORDER PARTIALLY MODIFYING PREVIOUS
ORDERS AND CLOSING DOCKETS

BY THE COMMISSION:

By separate orders issued in each of the above-referenced dockets, we directed the affected local exchange companies (LECs) to implement a toll relief plan known as the \$.25 plan on routes specified in the various orders. Since a number of the routes are interLATA (local access transport area), we directed BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) to immediately begin seeking a waiver of the Modified Final Judgment (MFJ) to allow it to carry traffic on the interLATA routes it serves. Four other LECs provide service on one end of some of these interLATA routes: ALLTEL Florida, Inc. (ALLTEL); Central Telephone Company of Florida (Centel); GTE Florida Incorporated (GTEFL); and United Telephone Company of Florida (United).

On May 18, 1993, the United States District Court for the District of Columbia rejected Southern Bell's request for a waiver of the MFJ to the extent necessary to implement the \$.25 plan in these seven dockets. The routes and companies affected by this ruling are as following:

<u>ROUTE</u>	<u>COMPANIES</u>
Graceville - Ponce de Leon	Southern Bell - Centel
Graceville - DeFuniak Springs	Southern Bell - Centel
Trenton - Branford	Southern Bell - ALLTEL
Trenton - High Springs	Southern Bell - ALLTEL
Newberry - Branford	Southern Bell - ALLTEL
Orlando - Mt. Dora	Southern Bell - United
Gainesville - Lawtey	Southern Bell - Centel
Gainesville - Raiford	Southern Bell - ALLTEL
Gainesville - Starke	Southern Bell - Centel
Sanford - Deland	Southern Bell - Southern Bell
Hawthorne - Palatka	Southern Bell - Southern Bell
Keystone Heights - Interlachen	Southern Bell - ALLTEL
Palatka - Orange Springs	Southern Bell - ALLTEL

ORDER NO. PSC-93-1175-FOF-TL
DOCKETS NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910029-TL,
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<u>ROUTE</u>	<u>COMPANIES</u>
Hawthorne - Interlachen	Southern Bell - ALLTEL
Keystone Heights - Florahome	Southern Bell - ALLTEL
Keystone Heights - Palatka	Southern Bell - Southern Bell
Palatka - Melrose	Southern Bell - ALLTEL
Brooksville - Hudson	Southern Bell - GTEFL

Following the Court's ruling, both Southern Bell and ALLTEL filed Motions for Partial Modification of the orders which require them to implement the \$.25 plan on these routes. Given the Court's ruling, we see no alternative but to so modify our prior orders. Accordingly, all five companies shall be relieved from the requirement to implement the \$.25 plan on the above-listed routes. In addition, the companies shall be required to send bill inserts to affected customers explaining the Judge's decision. These bill inserts shall be filed with our staff for review and approval within ten days of the issuance date of this Order.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that our prior orders requiring implementation of the \$.25 plan are hereby modified in these seven dockets to the extent and for the reasons set forth herein. It is further

ORDERED that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, ALLTEL Florida, Inc., Central Telephone Company of Florida, GTE Florida Incorporated, and United Telephone Company of Florida shall prepare bill inserts that comply with the requirements detailed herein. It is further

ORDERED that these dockets are hereby closed.

By ORDER of the Florida Public Service Commission this 10th day of August, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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Commissioner Lauredo dissented as follows:

I respectfully dissent in this decision. In this case the Federal court has prescribed where in Florida toll relief could be granted. I believe the Florida Public Service Commission has the responsibility to determine this issue and the Federal actions have infringed upon the regulatory authority of this Commission. For this reason, I would vote to compel the local exchange companies to provide the requested toll relief, and thereby require a higher court to determine who has the rightful responsibility to decide which areas in Florida receive toll relief.

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.

Any party adversely affected by the Commission's final action in this matter 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.