

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a rate) DOCKET NO. 920188-TL
increase by GTE FLORIDA) ORDER NO. PSC-93-1340-FOF-TL
INCORPORATED.) ISSUED: September 14, 1993
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON

ORDER REGARDING EAS SURVEY RESULTS

BY THE COMMISSION:

In Docket No. 920188-TL, GTE Florida Incorporated (GTEFL or the Company), identified the North Port to Sarasota route as one of the routes qualifying for flat rate nonoptional extended area service (EAS) based on Commission rules. By Order No. PSC-93-0108-FOF-TL, issued January 1, 1993, we required the Company to survey the subscribers for flat rate nonoptional, two-way EAS with regrouping and the 25/25 additive.

On February 4, 1993, GTEFL filed a Motion for Reconsideration of Order No. PSC-93-0108-FOF-TL. In the Motion, the Company pointed out that the North Port to Sarasota route, which was identified in the rate case by GTEFL as qualifying for flat rate EAS, did not satisfy our rule requirements for EAS. The Company contended that staff's Interrogatory 195 misstated the Commission rule and GTEFL compounded the error by answering the interrogatory. The interrogatory mistakenly stated the EAS rules as "3 M/A/M's and 50% of the customers making 1 or more calls". The interrogatory should have stated "3 M/A/Ms and 50% making 2 or more calls. GTEFL suggested that since the Order had already been entered and since the public is aware of the findings, that the proper approach would be to waive Rule 25-4.060(1)(a), Florida Administrative Code, which requires a one-way calling rate of 3 M/A/Ms and 50% of the customers making 2 or more calls. By Order No. PSC-93-0818-FOF-TL, issued May 27, 1993, we waived Rule 25-4.060(1)(a), Florida Administrative Code, which requires a one-way calling of 3 M/A/Ms and 50% of the customers making 2 or more calls. By this Order we review the outcome of the survey.

GTEFL mailed 10,232 ballots to all customers of record in the North Port exchange. The results of the survey follow:

DOCUMENT ID: 93-1340

09883 SEP 14 93

FILED IN 93-1340

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	10,232	100.00%	
Ballots Returned	7,417	72.49%*	100.00%
For EAS	1,474		19.06%**
Against EAS	5,923		79.86%
Invalid	20		1.08%

* Rule requires 40% of the ballots mailed must be returned.

** Rule requires a majority (>50%) of the ballots returned must vote favorably (40% requirement must be met regardless of majority).

Rule 25-4.063(6), Florida Administrative Code, requires that a majority of all respondents in each exchange to vote favorably **and** that at least 40% of all ballots sent must be returned. Based on this Rule, the survey failed. Thus, flat rate nonoptional, two-way EAS shall not be implemented between North Port and Sarasota.

Therefore, it is

ORDERED by the Florida Public Service Commission that the survey did not pass, and the North Port/Sarasota route does not qualify for flat rate nonoptional, two-way extended area service.

By ORDER of the Florida Public Service Commission this 14th day of September, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

ORDER NO. PSC-93-1340-FOF-TL
DOCKET NO. 920188-TL
PAGE 3

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.