

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by City) DOCKET NO. 920642-TL
Council of Port Richey for) ORDER NO. PSC-93-1524-FOF-TL
extended area service between) ISSUED: October 18, 1993
the Hudson exchange and Tarpon)
Springs, Clearwater, St.)
Petersburg, and Tampa exchanges;)
also between the New Port Richey)
and Clearwater, St. Petersburg)
and Tampa exchanges.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

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 No. 92-5, filed with this Commission by the City Council of the City of Port Richey (the City). The City's Resolution requested that we consider requiring implementation of extended area service (EAS) between the western portion of Pasco County and the Tampa-all and St. Petersburg exchanges. We then received Resolution No. 92-233 from the Board of County Commissioners of Pasco County (the County). The County's Resolution requested that we consider requiring implementation of EAS between all exchanges in Pasco County, as well as between all Pasco County exchanges and the Tampa-all and St. Petersburg exchanges.

DOCUMENT NUMBER-DATE

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FTSD-RECORDS/REPORTING

The following exchanges are affected by these Resolutions: Brooksville, Clearwater, Dade City, Hudson, New Port Richey, St. Petersburg, San Antonio, Tampa-Central, Tampa-East, Tampa-North, Tampa-South, Tampa-West, Tarpon Springs, Trilacoochee, and Zephyrhills. BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) serves the Brooksville exchange, which is located in the Gainesville LATA (local transport access area). United Telephone Company of Florida (United) serves the Dade City, San Antonio, and Trilacoochee exchanges, which are also located in the Gainesville LATA. GTE Florida Incorporated (GTEFL) provides service to the Clearwater, Hudson, New Port Richey, St. Petersburg, Tarpon Springs, Tampa-all, and Zephyrhills exchanges, all of which are located in the Tampa Market Area (LATA).

By Order No. PSC-92-0822-PCO-TL, issued August 17, 1992, we directed Southern Bell, United, and GTEFL 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. By Order No. PSC-92-1056-PCO-TL, issued September 23, 1992, we granted GTEFL's Motion for Extension of Time to conduct the traffic studies. By Order No. PSC-92-1209-PCO-TL, issued October 26, 1992, we granted GTEFL's second Motion for Extension of Time to conduct the traffic studies. By Order No. PSC-92-1229-PCO-TL, issued October 30, 1992, we reissued the original traffic study order because United was inadvertently left off our mailing list and did not receive a copy of Order No. PSC-92-0822-PCO-TL. By Order No. PSC-92-1330-PCO-TL, issued November 17, 1992, we granted United's Motion for Extension of Time to conduct the traffic studies.

Subsequently, all of the companies filed the required traffic study data. By Order No. PSC-92-1448-CFO-TL, issued December 15, 1992, and Order No. PSC-93-0687-CFO-TL, issued May 6, 1993, we granted confidential treatment to certain parts of the traffic study data, as requested by the companies.

DISCUSSION

Initially, we note that in Docket No. 910529-TL, we reviewed a request for countywide calling within Pasco County. As a result, we directed that the \$.25 message rate plan (or the ECS plan for intracompany GTEFL routes) be implemented on the following routes (between these exchanges): Dade City to Brooksville; Dade City to

Tampa-North; San Antonio to Brooksville; San Antonio to Tampa-North; Hudson to Brooksville; Hudson to Tarpon Springs; Tampa-North to New Port Richey; Tampa-West to New Port Richey; and Trilacoochee to Brooksville. In addition, we determined that no toll relief plan should be implemented on the remaining intracounty routes, due to low calling volumes and a small percentage of customers making calls. Subsequently, the \$.25 plan (or ECS plan) has been implemented on all of the listed routes, with the exception of the three interLATA routes (Dade City to Tampa-North; San Antonio to Tampa-North; and Hudson to Brooksville). Southern Bell's request for waiver of the Modified Final Judgment (MFJ) has been denied on the Hudson to Brooksville route. GTEFL's request for Waiver of the Consent Decree is still pending for the other two routes.

Rule 25-4.059, Florida Administrative Code, provides that once we have made a determination regarding EAS or some alternative calling plan on a specific route, that route will not be reviewed more frequently than once in any three-year period. Accordingly, since determinations were made on all of the routes within Pasco County within the last three years, Rule 25-4.059 directs that no further action be taken on the request for countywide calling.

In addition, the \$.25 plan was implemented on the New Port Richey/Clearwater route on January 27, 1993, as a result of our decision in the GTEFL rate case (Docket No. 920188-TL). We have determined that this route shall not be reviewed again at this time, pursuant to the time frame set forth in Rule 25-4.059.

The calling rates on the remaining routes do not meet the threshold of Rule 25-4.060(2), Florida Administrative Code. 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. This 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 EAS. None of the routes met both of these requirements.

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 on volume level by only a small degree. The San Antonio/Tampa-Central route exhibited very high calling volumes and only missed the distribution requirement by a fraction. The Dade City/Tampa-Central route also had high calling volumes but fell short of the distribution requirement. We do not believe that the calling rates on the remaining routes (other than these two routes) are sufficient to warrant consideration of an alternative toll relief plan.

On May 18, 1993, the United States District Court for the District of Columbia rejected Southern Bell's request for waiver of the MFJ to implement the \$.25 plan. This action affected seven Commission dockets (including Docket No. 910529-TL) and is discussed at length in Order No. PSC-93-1175-FOF-TL, issued August 10, 1993. With Judge Greene's ruling denying Southern Bell's waiver requests, and with the interLATA restrictions on GTEFL and Southern Bell, we presently have no viable toll relief proposals to offer the customers on the two interLATA routes identified above. Accordingly, we find it appropriate that no action be taken on the San Antonio/Tampa-Central and Dade City/Tampa-Central routes at this time. We note, however, that we have a number of projects under way (outside of this docket) to attempt to address this problem. Once an acceptable solution is developed, we will revisit these two routes. Accordingly, we find it appropriate to waive Rule 25-4.059, to the extent necessary to allow us to reevaluate these routes at that time.

Based on the foregoing, it is

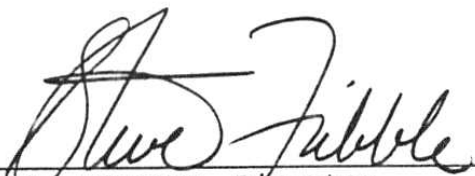
ORDERED by the Florida Public Service Commission that Resolution No. 92-5 and Resolution No. 92-233 filed with this Commission by the City Council of the City of Port Richey and the Board of County Commissioners of Pasco County, respectively, are hereby denied for the reasons and to the extent set forth in the body of this Order. It is further

ORDERED that the question of appropriate toll relief for the two specific routes identified herein shall be revisited in the manner and at the time discussed 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 out 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 18th
day of October, 1993.



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 November 8, 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.

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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.