

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by Highlands) DOCKET NO. 920150-TL
County Board of Commissioners) ORDER NO. PSC-93-1668-FOF-TL
for extended area service) ISSUED: November 15, 1993
between all Highlands County)
exchanges.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPLEMENTING \$.25 PLAN

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.

Pursuant to a resolution by the Highlands County Board of County Commissioners we issued Order No. PSC-92-1031-PCO-TL on September 21, 1992 requiring United Telephone Company of Florida (United or the Company) to perform traffic studies on all exchanges in Highlands County. By Order No. PSC-92-0899-PCO-TL, issued June 14, 1993 we required United to survey the Lake Placid to Sebring route for non-optional, flat rate, two-way Extended Area Service (EAS). By the same Order, we also required United to conduct traffic studies from the Highlands County portion of the Okeechobee exchange.

United mailed survey letters and ballots to all customers of record for the Lake Placid exchange to determine if the customers were willing to pay an additive plus regrouping to have non-optional, flat rate, two-way toll free calling to the Sebring exchange.

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United mailed 9,685 survey letters to subscribers in the Lake Placid exchange. The results of the survey are as follows:

SURVEY RESULTS			
	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	9,685	100.00	
Ballots Returned	4,121	* 42.55	100.00
For EAS	1,736		** 42.13
Against EAS	2,374		57.61
Invalid	11		0.26

* 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 a majority of all respondents in each exchange to vote favorably and at least 40% of all ballots sent must be returned. Based on this rule, the survey failed, since 57.61% of the ballots returned were against the EAS plan.

While the Lake Placid/Sebring route qualified for balloting for non-optional, flat rate, two-way EAS, the survey failed to indicate adequate support to justify such a plan. In such a situation, we have historically ordered that a \$.25 plan be instituted. At the current time we are generally refraining from making such determinations pending the conclusion in the EAS rulemaking docket (930220-TL). However, in this case, the Lake Placid/Sebring route represents a unique scenario because it is the only route, besides the Okeechobee pocket, in Highlands County that does not enjoy a \$.25 plan. Accordingly, we find it appropriate to order United to implement the \$.25 plan for the Lake Placid/Sebring route.

Rule 25-4.060(2), Florida Administrative Code, requires a calling rate of at least three M/A/M's (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 traditional EAS. If the exchange contains more than half the number of access lines as the exchange to which EAS is desired, then a combined two-way calling rate of two M/A/M's is required and at least 50% of the exchange subscribers must make (1) or more calls per month.

All of the routes between the Okeechobee and the other exchanges in Highlands County failed to meet either requirement. Based on these results these routes warrant neither non-optional, flat rate, two-way EAS nor an alternative EAS plan.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that United Telephone Company of Florida shall institute a \$.25 calling plan between the Lake Placid exchange and the Sebring exchange in Highlands County. It is further

ORDERED no other routes have qualified for additional Extended Area Service and no other action shall be taken. It is further

ORDERED that any protest of this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if no protest is filed, this docket shall be closed at the conclusion of this protest period set out below.

By ORDER of the Florida Public Service Commission, this 15th day of November, 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 December 6, 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.