

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of) DOCKET NO. 930509-TL
Lehigh Acres requesting) ORDER NO. PSC-93-1786-FOF-TL
countywide extended area service) ISSUED: December 14, 1993
in Lee County.)
_____)

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 DENYING PETITION FOR EXTENDED AREA SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action proposed herein is preliminary in nature and will not 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.

On May 6, 1993, the residents of Lehigh Acres filed a petition requesting extended area service (EAS) to all of Lee County. United Telephone of Florida (United) provides service to all of Lee county which is located in the Fort Myers market area.

On June 28, 1993, we issued Order No. PSC-93-0955-PCO-TL requiring United to file traffic studies for all the routes in question. On September 27, 1993, United filed the required studies.

Rule 25-4.060(2), Florida Administrative Code, requires a calling rate of at least three messages per access line per month (M/A/M's) in eases, as in the instant case, where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is requested. Rule 25-4.060(2) 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 sought, then a combined two-way calling rate of two M/A/M's is

DOCUMENT PREPARED DATE

13302 DEC 14 93

FPCO-REGULATORY REPORTING

ORDER NO. PSC-93-1786-FOF-TL
DOCKET NO. 930509-TL
PAGE 2

required and at least 50% of the exchange subscribers must make one or more calls per month. None of the routes surveyed meet these requirements.

Furthermore, it is our considered opinion that none of the routes qualify for an alternative EAS plan. In one case, the Lee county pocket of the Immokalee exchange a substantial call distribution of customers making two or more calls was demonstrated. However, because this is pocket, we do not find it prudent to institute an alternative plan at this time.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition by the residents of Lehigh Ares requesting extended area service is hereby denied. 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 of this Order is filed, this docket shall be closed.

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



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

TH

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

ORDER NO. PSC-93-1786-FOF-TL
DOCKET NO. 930509-TL
PAGE 3

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 January 4, 1994.

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.