

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers ) DOCKET NO. 930979-TL  
of Live Oak for extended area ) ORDER NO. PSC-94-0473-FOF-TL  
service (EAS) to Lake City. ) ISSUED: April 20, 1994  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated pursuant to a petition by the subscribers of the Live Oak exchange requesting extended area service (EAS) to the Lake City exchange. The Live Oak exchange is served by ALLTEL Florida Incorporated (ALLTEL), and the Lake City exchange is served by Bellsouth Telecommunications, Inc. d/b/a Southern Bell and Telegraph Company (Southern Bell). Both exchanges are located in the Jacksonville LATA.

We required ALLTEL and Southern Bell to conduct traffic studies on the route. See Order No. PSC-93-1590-PCO-TL, issued November 1, 1993.

Rule 25-4.060(2), Florida Administrative Code, requires a calling rate of at least three Messages per Access Line per Month (M/A/Ms) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is

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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.

Southern Bell has filed the calling volumes for the toll route originating in its Lake City to Live Oak exchange with a request for confidential classification which has been granted. See Order No. PSC-94-0293-CFO-TL, issued March 14, 1994. ALLTEL did not request confidential classification of the traffic information. Although ALLTEL's traffic study data indicates a calling rate of 5.65 M/A/Ms, which meets one requirement of the rule, the route does not meet all of the rule's requirements because only 48.77% of the subscribers placed two or more calls per month to the larger exchange.

Since the distribution was close to meeting the requirements of the rule, the Commission staff asked ALLTEL to provide a partial traffic study of the route for another month. The original traffic study was conducted in August 1993. ALLTEL subsequently provided calling volumes and distribution factors for November 1993. The new M/A/Ms were 6.88 and the number of customers making 2 or more calls per month was 44.84%, which still does not meet the requirements of the rule.

Thus, based on the results of the traffic studies, we find that this route does not meet the requirements for nonoptional, flat rate, two-way EAS.

Currently, the Commission staff is reviewing EAS problems, including alternative toll plans in Docket No. 930220-TL. Once an appropriate alternative toll plan has been developed, we will reevaluate the Live Oak/Lake City route.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by the subscribers of the Live Oak exchange for extended area service to the Lake City exchange is denied for the reasons set forth in the text of this Order. It is further

ORDERED that this docket shall remain open pending resolution of Docket No. 930220-TL. It is further

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ORDERED that this Order shall become final and effective on the date set forth below if no timely protest is filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 20th day of April, 1994.

BLANCA S. BAYO, Director  
Division of Records and Reporting

by: Kay Helton  
Chief, Bureau of Records

( S E A L )  
DLC

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 May 11, 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.

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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.