

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by PASCO COUNTY) DOCKET NO. 910529-TL
BOARD OF COUNTY COMMISSIONERS) ORDER NO. PSC-94-0682-FOF-TL
for extended area service) ISSUED: June 6, 1994
between all Pasco County)
exchanges.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING MOTION FOR PARTIAL MODIFICATION
OF ORDER NO. PSC-92-0158-FOF-TL

BY THE COMMISSION:

By Order No. PSC-92-0158-FOF-TL, issued on April 4, 1992, in Docket No. 920159-TL (Pasco County), we required BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company's (Southern Bell), GTE Florida Incorporated (GTEFL), and United Telephone Company of Florida (United) to implement the \$.25 plan on specific routes. Three of these routes, Dade City/Tampa-North, Hudson/Brooksville and San Antonio/Tampa-North, are interLATA (local access transport area).

On May 18, 1993, the United States District Court for the District of Columbia rejected Southern Bell's request for a waiver of the Modified Final Judgment (MFJ) to the extent necessary to implement the \$.25 plan on specific interLATA routes, including Docket No. 910529-TL (Pasco County - 1 Southern Bell route). In its order, the Court also denied the following routes: Docket Nos. 870248-TL (Holmes County - 2 routes), 870790-TL (Gilchrist County - 3 routes), 900039-TL (Orange County - 1 route), 910022-TL (Bradford County - 3 routes), and 910029-TL (Volusia County - 1 route).

By Order No. PSC-93-1175-FOF-TL, issued August 10, 1993, we granted Southern Bell's Motion for Partial Modification of Order No. PSC-92-0158-FOF-TL providing relief from implementing the \$.25 plan for these specific interLATA routes. Because other local exchange companies (LECs), including GTEFL, United, Central Telephone of Florida (Centel) and ALLTEL Florida, Inc. (ALLTEL),

DOCUMENT NUMBER-DATE

05494 JUN-6 94

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0682-FOF-TL
DOCKET NO. 910529-TL
PAGE 2

provide service for one end of several of the denied Southern Bell interLATA routes, relief was also granted to them from implementing the \$.25 plan on these specific interLATA routes.

In addition, by Order No. PSC-93-1175-FOF-TL, we required the involved LECs to send bill inserts to affected customers explaining the Court's decision.

GTEFL's federal consent decree forbids it from providing service across a LATA boundary. On May 12, 1992, GTEFL requested a waiver of its federal consent decree to implement the \$.25 plan on its Dade City/Tampa-North, Hudson/Brooksville and San Antonio/Tampa-North interLATA routes that was required by Order No. PSC-92-0158-FOF-TL.

On December 22, 1993, the United States District Court for the District of Columbia rejected GTEFL's request for a waiver of its federal consent decree. The Court stated that

regardless of whether the proposed waiver seeks flat-rate EAS, measured-rate EAS or any combination between, if the requisite community of interest between the exchanges is lacking, the court can not, under the decree, permit such LATA boundary expansions.

The Court added that

[s]uch arrangements were merely discounted toll rates, and thus, anticompetitive. Because of the plan's anti-competitive affect and because the FPSC found an insufficient community of interest for all subscribers to pay for extended area service at a flat rate, the decree prohibits the arrangement and the court will not permit such LATA boundary expansions.

GTEFL now seeks relief from Order No. PSC-92-0158-FOF-TL, which requires it to implement the \$.25 plan on the Dade City/Tampa-North, Hudson/Brooksville and San Antonio/Tampa-North interLATA routes. We granted Southern Bell relief on its portion of the Hudson/Brooksville route in Order No. PSC-93-1175-FOF-TL, issued August 10, 1993.

Accordingly, we grant GTEFL's Motion for Partial Modification of Order No. PSC-92-0158-FOF-TL. GTEFL shall be required to send bill inserts to the affected customers explaining the Court's decision. In addition, since United provides service on one end of some of these interLATA routes, it shall also be required to send bill inserts to its affected customers. These bill inserts shall

ORDER NO. PSC-94-0682-FOF-TL
DOCKET NO. 910529-TL
PAGE 3

reflect the same language that was required in Order No. PSC-93-1175-FOF-TL and shall be filed with staff for review within ten days of the issuance date of this Order. Southern Bell and GTEFL have already provided notice to its Brooksville/Hudson customers as a result of the Court's earlier decision to deny the \$.25 plan on Southern Bell interLATA routes: therefore, no further notice is required on this route. The Dade City/Tampa-North, Hudson/Brooksville and San Antonio/Tampa-North interLATA routes shall be reevaluated after the conclusion of the Commission staff's review of EAS problems, including alternative toll plans in Docket No. 930220-TL (EAS Rulemaking).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated's Motion for Partial Modification of Order No. PSC-92-0158-FOF-TL, issued on April 4, 1992, is hereby granted. It is further

ORDERED that GTE Florida Incorporated and United Telephone Company of Florida shall send bill inserts to the affected customers, except for those on the Brooksville/Hudson route, explaining the United States District Court for the District of Columbia's decision. The bill inserts shall reflect the same language that was required in Order No. PSC-93-1175-FOF-TL and shall be filed with staff for review within ten days of the issuance date of this Order. It is further

ORDERED that this docket shall remain open until after review of extended area service problems in Docket No. 930220-TL. At that time, the interLATA routes that were denied by the United States District Court for the District of Columbia shall be reevaluated.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Hizon
Chief, Bureau of Records

(S E A L)
DLC

ORDER NO. PSC-94-0682-FOF-TL
DOCKET NO. 910529-TL
PAGE 4

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.