

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the Palm) DOCKET NO. 921193-TL
Beach County Board of County) ORDER NO. PSC-94-1109-FOF-TL
Commissioners for extended area) ISSUED: September 9, 1994
service between all exchanges in)
Palm Beach County.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON

ORDER DENYING REQUEST FOR EXTENDED AREA SERVICE
IN PALM BEACH COUNTY

BY THE COMMISSION:

This docket was initiated pursuant to a resolution filed by the Palm Beach County Board of County Commissioners on November 20, 1992, requesting extended area service (EAS) between all exchanges in Palm Beach County. BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) provides service to the West Palm Beach, Belle Glade, Boca Raton, Boynton Beach, Delray Beach, Jupiter and Pahokee exchanges, which are located in the Southeast LATA (local access transport area). United Telephone Company of Florida (United) provides service to the Clewiston exchange, which is located in the Fort Myers Market Area.

I. Procedural Background

By Order No. PSC-93-0029-PCO-TL, issued January 6, 1993, we required Southern Bell and United to conduct traffic studies on the Palm Beach County routes. This order was reissued on March 2, 1993, by Order No. PSC-93-0321-PCO-TL, to ensure adequate notice to United, because United was inadvertently omitted from the mailing list and was not furnished a copy of the order at the time it was issued. By Order No. PSC-93-1168-FOF-TL, issued August 10, 1993, we partially modified Order No. PSC-93-0029-PCO-TL, relieving Southern Bell from the requirement of providing traffic data on interLATA routes in this docket, which only involved calls into the Clewiston exchange.

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By Order No. PSC-93-0764-PCO-TL, issued May 20, 1993, we granted Southern Bell's second Motion for Extension of Time.

We granted United's request for confidential treatment of its interLATA traffic data by Order No. PSC-93-1043-CFO-TL, issued July 19, 1993. Likewise, by Order Nos. PSC-93-1042-CFO-TL and PSC-93-1043-CFO-TL, issued July 19, 1993, we granted Southern Bell and United's requests for confidential treatment of the intraLATA and interLATA traffic data filed by the companies in this docket.

By Order No. PSC-93-1828-FOF-TL, issued December 27, 1993, the Commission required Southern Bell to survey the Belle Glade, Boca Raton, Delray Beach and Pahokee exchanges for nonoptional, two-way flat rate EAS to the West Palm Beach exchange, and the Boynton Beach exchange for nonoptional, two-way, flat rate EAS to the Boca Raton exchange. Subscribers were to be balloted at rates which included 25% of Southern Bell's toll loss, in addition to the 25/25 additive and regrouping.

On January 10, 1994, Southern Bell filed a Notice of Modification to the traffic studies. The Company stated that erroneous revenue information was provided in the traffic study for three routes: Belle Glade/West Palm Beach, Delray Beach/West Palm Beach, and Pahokee/West Palm Beach. By Order No. PSC-94-0318-CFO-TL, issued March 21, 1994, we granted Southern Bell confidential treatment of its modified intraLATA traffic data.

By Order No. PSC-94-0327-TL, issued March 23, 1994, we reordered Southern Bell to survey the Belle Glade, Boca Raton, Delray Beach and Pahokee exchanges for nonoptional, two-way flat rate EAS to the West Palm Beach exchange, and the Boynton Beach exchange for nonoptional, two-way, flat rate EAS to the Boca Raton exchange. Because of modifications Southern Bell made to its traffic studies, the toll revenue per message was reduced. This resulted in a reduction in the 25% toll recovery additive for the Belle Glade, Delray Beach and Pahokee exchanges. Upon further review, we withdrew Order No. PSC-93-1828-PCO-TL, which included rates that were based on erroneous information, and eliminated the 25% toll recovery additive on the five routes that were ordered to be balloted. As a result, we decided in Order No. PSC-94-0327-TL that subscribers were to be balloted at rates which included only a 25/25 additive plus regrouping.

II. Survey Results

Rule 25-4.063(6), Florida Administrative Code, provides that the requested extended area service shall be approved if a majority of all respondents in each exchange vote favorably and least 40% of

all ballots sent are returned. Based on Rule 25-4.063(6), Florida Administrative Code, the Boca Raton/West Palm Beach, Belle Glade/West Palm Beach, Delray Beach/West Palm Beach, Pahokee/West Palm Beach, and the Boynton Beach/Boca Raton routes did not meet the survey requirements and, therefore, do not qualify for nonoptional, two-way, flat rate EAS. The result of the surveys for each of those routes are shown below in Tables A-F:

TABLE A
 BOCA RATON/WEST PALM BEACH SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	107,544	100.00%	
Ballots Returned	50,103	46.59%	100.00%
For EAS	17,534		35.00%
Against EAS	32,115		64.10%
Invalid	454		.90%

Of the ballots mailed, 46.59% were returned and 64.10% of those ballots returned voted against EAS. Therefore, based on Rule 25-4.063(6), the Boca Raton/ West Palm Beach route did not pass the survey and does not qualify for nonoptional, flat rate, two-way EAS.

TABLE B
 DELRAY BEACH/WEST PALM BEACH SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	54,156	100.00%	
Ballots Returned	30,029	55.45%	100.00%
For EAS	8,732		29.08%
Against EAS	20,944		69.75%
Invalid	353		1.18%

Of the ballots mailed, 55.45% were returned and 69.75% of those ballots returned voted against EAS. Therefore, based on Rule 25-4.063(6), the Delray Beach/West Palm Beach route did not pass the survey and does not qualify for nonoptional, flat rate, two-way EAS.

TABLE C
 BELLE GLADE/WEST PALM BEACH SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	7,335	100.00%	
Ballots Returned	1,810	24.68%	100.00%
For EAS	1,232		68.07%
Against EAS	560		30.93%
Invalid	18		.99%

Of the ballots mailed, only 24.68% were returned. Based on Rule 25-4.063(6), the Belle Glade/West Palm Beach route did not meet the required 40% ballots returned and, therefore, this route does not qualify for nonoptional, flat rate, two-way EAS.

TABLE D
 PAHOKEE/WEST PALM BEACH SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	2,939	100.00%	
Ballots Returned	820	27.90%	100.00%
For EAS	411		50.12%
Against EAS	399		48.67%
Invalid	10		1.22%

Of the ballots mailed, only 27.90% were returned. Based on Rule 25-4.063(6), the Pahokee/West Palm Beach route did not meet the required 40% ballots returned and, therefore, this route does not qualify for nonoptional, flat rate, two-way EAS.

TABLE E
BOYNTON BEACH/BOCA RATON SURVEY RESULTS

	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	47,937	100.00%	
Ballots Returned	24,459	51.02%	100.00%
For EAS	6,328		25.87%
Against EAS	17,902		73.27%
Invalid	229		.94%

Of the ballots mailed, 51.02% were returned and 73.27% of those ballots returned voted against EAS. Therefore, based on Rule 25-4.063(6), the Boynton Beach/Boca Raton route did not pass the survey and does not qualify for nonoptional, flat rate, two-way EAS.

III. Alternative Plan

We are currently reviewing the EAS rules in Docket No. 930220-TL, including criteria for alternative toll plans. Accordingly, no determination shall be made on the Boca Raton/West Palm Beach, Belle Glade/West Palm Beach, Delray Beach/West Palm Beach, Pahokee/West Palm Beach, and the Boynton Beach/Boca Raton routes at this time regarding an alternative toll plan. After the conclusion of the EAS rule revision docket, we will review these routes for alternative toll plans.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Palm Beach County Board of County Commissioners' request for extended area service is hereby denied since the Boca Raton/West Palm Beach, Belle Glade/ West Palm Beach, Delray Beach/West Palm Beach, Pahokee/West Palm Beach, and the Boynton Beach/Boca Raton routes did not meet the survey requirements and do not qualify for nonoptional, two-way, flat rate extended area service. It is further

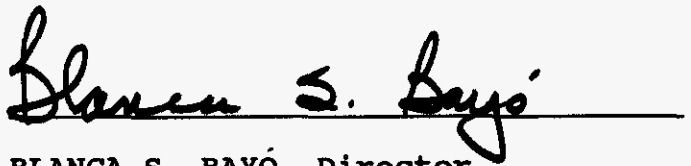
ORDERED that no determination shall be made regarding alternative toll plans for the Boca Raton/West Palm Beach, Belle Glade/ West Palm Beach, Delray Beach/West Palm Beach, Pahokee/West Palm Beach, and Boynton Beach/Boca Raton routes until after the

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conclusion of the extended area service rule revision docket (Docket No. 930220-TL). At that time, we will review these routes for alternative toll plans. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 9th day of September, 1994.



BLANCA S. BAYÓ, 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.

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.