

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers) DOCKET NO. 940419-TL
of Indiantown exchange) ORDER NO. PSC-94-1471-FOF-TL
requesting extended area service) ISSUED: November 30, 1994
(EAS) to Port St. Lucie, Jensen)
Beach, and Fort Pierce exchanges)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
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.

I. BACKGROUND

This docket was initiated pursuant to a petition filed by certain subscribers of the Indiantown exchange requesting extended area service (EAS) from the Indiantown exchange to the Port St. Lucie, Jensen Beach and Fort Pierce exchanges. The Indiantown exchange is served by Indiantown Telephone System, Inc. (Indiantown). The Port St. Lucie, Jensen Beach and Fort Pierce exchanges are provided telephone service by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). All of these exchanges are located in the Southeast LATA (local access transport area).

By Order No. PSC-94-0606-PCO-TL, issued May 23, 1994, we required Indiantown and Southern Bell to conduct traffic studies on these routes.

DOCUMENT NUMBER-DATE

12048 NOV 30 1994

FPSC-RECORDS/REPORTING

By Order No. PSC-94-1143-FOF-TL, issued September 16, 1994, we denied Indiantown Telephone System, Inc.'s Motion to Dismiss the petition for extended area service from the Indiantown exchange to the Port St. Lucie, Jensen Beach, and Fort Pierce exchanges. We granted the Indiantown's Motion for Extension of Time for an additional thirty days to file its traffic study.

Indiantown Telephone and Southern Bell have both requested confidential treatment of their intraLATA traffic studies.

II. EVALUATION FOR EAS

In order to be considered for balloting for EAS, Rule 25-4.060 (3), Florida Administrative Code, requires a calling rate of at least three (3) 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 extended area service 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.

The calling rates for these routes did not meet the 3 M/A/M rule requirement and the distribution requirement fell significantly below the 50% threshold. Therefore, based on the requirements of Rule 25-4.060(3), Florida Administrative Code, we find that the Indiantown/Port St. Lucie, Indiantown/Jensen Beach and Indiantown/ Fort Pierce routes do not qualify for nonoptional, flat rate, two-way extended area service.

III. ALTERNATIVE TOLL PLANS

The Indiantown/Port St. Lucie, Indiantown/Jensen Beach and Indiantown/Fort Pierce routes did not exhibit calling rates in excess of the 3 M/A/M rule requirement, and both fell significantly short of the 50% distribution criteria. In fact, an overwhelming majority of Indiantown subscribers did not make any calls to these exchanges.

Historically, we have implemented the \$.25 calling plan on routes that did not meet the calling volume and/or distribution requirements but exhibited a substantial showing. Typically, these cases were close to meeting our requirements but failed either on the distribution or volume level by a small percentage. The routes examined in this docket failed to meet either the M/A/M requirement or the distribution factor.

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We received two letters supporting the implementation of two-way, flat rate, nonoptional EAS. Both letters stated that they were physically located closer to the Stuart exchange and had no community of interest with the Indiantown exchange. They further stated that the long distance expense to connect their computers to Prodigy, CompuServe or any other major on-line network service is price prohibitive. One letter states that the long distance cost to call Jensen Beach and Port St. Lucie is a financial strain on her business.

The calling patterns on the Indiantown/Port St. Lucie, Indiantown/Jensen Beach and Indiantown/Fort Pierce routes do not exhibit a sufficient community of interest to warrant any form of toll relief. Therefore, we find that no alternative toll plans shall be implemented on these routes.

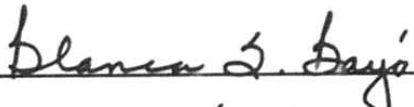
It is therefore

ORDERED by the Florida Public Service Commission that the request for extended area service filed by subscribers of the Indiantown exchange for extended area service from the Indiantown exchange to the Port St. Lucie, Jensen Beach and Fort Pierce exchanges is hereby denied for the reasons set forth in the body of this Order. It is further

ORDERED that no alternative plans shall be offered on the Indiantown/Port St. Lucie, Indiantown/Jensen Beach and Indiantown/Fort Pierce routes. It is further

ORDERED that this Order shall become final and effective and this docket shall be closed 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 30th day of November, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 21, 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 substantially 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.