

intercounty to Dade. All of these routes are included in Broward and Dade Counties' EAS requests.

All of the exchanges within Dade County, consisting of the Homestead, Miami, North Dade and Perrine, and Broward County, Coral Springs, Deerfield Beach, Ft. Lauderdale, Hollywood, North Dade (pocket), and Pompano Beach exchanges, are served by BellSouth Telecommunications, Inc. d/b/a Southern Bell and Telegraph Company (Southern Bell). These exchanges are located in the Southeast LATA (local access transport area).

Based on the EAS requests from Dade and Broward counties, there are 40 toll routes involved. This does not include the routes approved in Docket No. 911034-TL - Broward County's request for EAS from Hollywood and Ft. Lauderdale to North Dade and Miami. These routes, North Dade/Ft. Lauderdale, Miami/Hollywood and Miami/Ft. Lauderdale, will not be considered in these dockets because the \$.25 hybrid plan was approved for these routes in the Southern Bell Rate Case Settlement. See Order No. PSC-94-0572-FOF-TL. The \$.25 hybrid plan is scheduled to be implemented on the North Dade/Ft. Lauderdale, Miami/Hollywood and Miami/Ft. Lauderdale routes on January 23, 1995.

Based on preliminary in-house traffic data provided by Southern Bell, we found that 35 of the routes had M/A/Ms (Messages per Access Line per Month) that did not meet the current EAS rule requirements and that Southern Bell should not conduct traffic studies on these routes at this time. See Order No. PSC-94-0918-FOF-FL, issued July 26, 1994. We found that these 35 routes shall be evaluated after the conclusion of the EAS rule docket (Docket No. 930220-TL). We also found that five routes, Coral Springs/Hollywood, Coral Springs/Miami, Deerfield Beach/Miami, Perrine/Fort Lauderdale, and Pompano Beach/Miami, had calling volumes significant enough warrant traffic studies.

Accordingly, we required Southern Bell to conduct traffic studies, in one direction, of the following routes: Coral Springs/Hollywood; Coral Springs/Miami; Deerfield Beach/Miami; Perrine/Fort Lauderdale; and Pompano Beach/Miami. See Order No. PSC-94-0920-PCO-TL, issued July 27, 1994.

II. Evaluation for EAS

Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three 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 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.

Based on the requirements of Rule 25-4.060(3), Florida Administrative Code, we find that none of the five routes, Coral Springs/Hollywood, Coral Springs/Miami, Deerfield Beach/Miami, Perrine/Fort Lauderdale, and Pompano Beach/Miami, qualify for two-way, flat rate, nonoptional EAS. We find that these five routes shall be reevaluated after the conclusion of the EAS rulemaking docket, Docket No. 930220-TL, using community of interest factors. This is consistent with Order No. PSC-94-0918-FOF-TL, which requires that the remaining 35 routes in these dockets shall be reevaluated after the conclusion of the EAS rulemaking docket.

III. Alternative Plans

Currently, there are no rule requirements for qualifying for an alternative toll plan. Historically, we have ordered the \$.25 calling plan on routes that did not meet the calling volume or distribution requirements for nonoptional EAS but exhibited a substantial showing. Typically, these cases were close to meeting the EAS requirements but failed either on the distribution or volume level by a small percentage.

However, on May 18, 1993 the United States District Court denied Southern Bell's request to carry interLATA traffic on Commission ordered alternative toll plan routes, specifically the \$.25 plan. The Court's primary concern was that there was not a sufficient community of interest on these routes to warrant converting toll calling to \$.25 local calling.

Consequently, alternative toll plans, as they stand today, can no longer be viewed as a viable alternative to EAS since they can not be implemented fairly and equitably throughout the state. In an attempt to remedy the problems with alternative toll plans, as well as other EAS concerns, we have begun a generic EAS investigation and rulemaking process.

We find that the calling rates on four of the five routes meet the M/A/M requirement for EAS. None of the routes met the 50% distribution requirement for EAS; in fact, none of these routes came close. Since October 12, 1993, we have consistently denied routes for alternative toll plans with calling volumes and distribution similar to these routes.

We find that these five routes shall be treated the same as the other 35 routes pending in these dockets. By Order No. PSC-94-0918-FOF-TL, we ordered the remaining 35 routes, which exhibited calling rates below the EAS rule requirements in the preliminary traffic data, to be reevaluated after the conclusion of the EAS rulemaking docket. If the proposed revisions to the rules are approved, this would allow us to consider other community criteria, such as access to medical facilities, doctors, schools, location of workplace, and government offices.

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It is therefore

ORDERED by the Florida Public Service Commission that the calling rates on the Coral Springs/Hollywood, Coral Springs/Miami, Deerfield Beach/Miami, Perrine/Fort Lauderdale, and Pompano Beach/Miami toll routes do not qualify for nonoptional, flat rate, two-way extended area service. These five routes shall be reevaluated after the conclusion of Docket No. 930220-TL. It is further

ORDERED that no alternative toll plans will be implemented at this time for the Coral Springs/ Hollywood, Coral Springs/Miami, Deerfield Beach/Miami, Perrine/Fort Lauderdale, and Pompano Beach/Miami routes. These five routes shall be evaluated after the conclusion of Docket No. 930220-TL. It is further

ORDERED that these dockets shall remain open. It is further

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 11th day of January, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

(S E A L)

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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.

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 February 1, 1995.

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.