

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Lake) DOCKET NO. 940027-TL
County Board of Commissioners) ORDER NO. PSC-95-1290-FOF-TL
for extended area service (EAS)) ISSUED: October 18, 1995
from the Mt. Dora, Eustis, and)
Umatilla exchanges to the Deland)
exchange.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER REGARDING 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 resolution filed on July 19, 1995, by the Lake County Board of Commissioners requesting extended area service (EAS) from the Mt. Dora, Eustis, and Umatilla exchanges to the Deland exchange. The Mt. Dora, Eustis, and Umatilla exchanges are served by United Telephone Company of Florida (United) and are located in the Gainesville LATA (local access and transport area). The Deland exchange is served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) and is located in the Daytona Beach LATA.

By Order No. PSC-94-0136-PCO-TL, issued February 3, 1994, we ordered United and Southern Bell to conduct traffic studies on the EAS routes proposed in this docket. By Order No. PSC-94-0489-PCO-TL, issued April 25, 1994, we granted Southern Bell's Motion for extension of time and ordered that the required traffic studies be filed on or before July 1, 1994. By Order No. PSC-94-0763-FOF-TL,

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issued June 21, 1994, we granted Southern Bell's Motion for Modification of Order No. PSC-94-0136-PCO-TL. The Order further specified that Southern Bell shall not be required to file traffic data on the interLATA routes in this docket. By Order No. PSC-94-1468-CFO-TL, issued November 29, 1994, we granted United's request for confidential classification of its traffic data.

II. Extended Area Service

Section 364.385(2), Florida Statutes, provides that all applications for extended area service or extended calling service pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995. Because this request for EAS was pending prior to March 1, 1995, our existing EAS rules apply. Thus, Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three M/A/Ms (Messages per Access Line per Month) 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.

None of the routes studied met the requirements of Rule 25-4.060(3) for balloting for nonoptional, two-way, flat rate EAS. Because the calling rates and distribution factors fell significantly below the required standards, we do not believe that it is appropriate to consider additional community of interest factors. We also do not believe this information would alter the conclusion reached based on the results of the traffic study.

Based on Rule 25-4.060(3), Florida Administrative Code, we find that none of the routes that had traffic data available in this docket meet the requirements to qualify to be balloted for nonoptional, two-way, flat rate EAS.

III. Alternative Toll Plan

Historically, we have considered alternative calling plans on routes that met the calling rate threshold and exhibited a substantial showing on the distribution requirement. Typically, these cases were close to meeting our requirements but did not meet the distribution criteria by a small percentage.

None of the routes studied in this docket met either the 3 M/A/M requirement or the distribution criteria. Therefore, the evaluated routes do not exhibit a sufficient community of interest

to warrant any form of toll relief. Accordingly, we find that no alternative toll plan shall be implemented on these routes.

IV. Southern Bell's InterLATA Routes

United provided traffic information from the Eustis, Mt. Dora and Umatilla exchanges, which were the requesting exchanges, to the Deland exchange. As stated previously, we granted Southern Bell's motion for relief from filing the traffic studies on the remaining three interLATA routes, because our staff was reviewing this problem in Docket No. 930220-TL, which was the EAS rulemaking docket. Because of the recently enacted revisions to Chapter 364, Florida Statutes, the proposed EAS rules will not be considered. See Chapter 95-403, Laws of Florida. At the August 15, 1995 agenda conference, we closed the EAS rulemaking docket.

At the September 12, 1995 agenda conference, we determined that interLATA traffic data would not be required on the reverse direction for routes that had the necessary data from the requesting exchange(s). Traffic data was available in this docket from the requesting exchanges; however, the interLATA data for the reverse direction was not available in the format required by the EAS rules. Because traffic studies in past dockets have shown very low calling rates in the reverse direction, we voted not to require the interLATA traffic studies.

Since traffic data was available from the requesting exchanges, we do not believe the additional interLATA traffic information would change the result of this docket. Therefore, we find that no further traffic data shall be required. Since traffic data was available in the pertinent direction and historic cases indicate very little community of interest in the reverse direction, we find that a sufficient community of interest does not exist to warrant EAS or an alternative toll plan.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that none of the calling rates on any of the routes for which traffic data was available qualify for a survey for nonoptional, flat rate, two-way extended area service as requested by the Lake County Board of Commissioners for extended area service from Mt. Dora, Eustis, and Umatilla exchanges to the Deland exchange. It is further

ORDERED that no alternative toll plan shall be offered on any of the routes for which traffic data was available. It is further

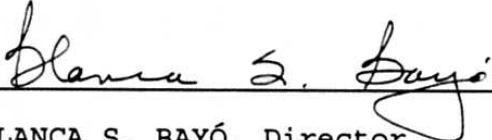
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ORDERED that no additional traffic studies shall be required on the three interLATA Southern Bell routes. These routes do not warrant extended area service or an alternative toll plan. It is further

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 in the "Notice of Further Proceedings or Judicial Review." It is further

ORDERED that in the event this Order becomes final, this Docket should be closed.

By ORDER of the Florida Public Service Commission, this 18th day of October, 1995.



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

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 8, 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.