

MEMORANDUM

NOVEMBER 4, 1996

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2:00
FPSO-RECORDS REPORTING ✓

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CANZANO) *Z MCB*

RE: DOCKET NO. 941281-TL - PETITION BY SUBSCRIBERS OF THE GROVELAND EXCHANGE FOR EXTENDED AREA SERVICE (EAS) TO THE ORLANDO, WINTER GARDEN, AND WINDERMERE EXCHANGES.

DOCKET NO. 930173-TL - PETITION BY THE RESIDENTS OF POLO PARK REQUESTING EXTENDED AREA SERVICE (EAS) BETWEEN THE HAINES CITY EXCHANGE AND THE ORLANDO, WEST KISSIMMEE, LAKE BUENA VISTA, WINDERMERE, REEDY CREEK, WINTER PARK, CLERMONT, WINTER GARDEN, AND ST. CLOUD EXCHANGES.

DOCKET NO. 930235-TL - RESOLUTION BY TAYLOR COUNTY BOARD OF COMMISSIONERS FOR COUNTYWIDE EXTENDED AREA SERVICE (EAS) WITHIN TAYLOR COUNTY.

DOCKET NO. 870248-TL - RESOLUTION BY HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE THROUGHOUT GILCHRIST COUNTY.

DOCKET NO. 870790-TL - REQUEST BY GILCHRIST COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE THROUGHOUT GILCHRIST COUNTY.

DOCKET NO. 900039-TL - RESOLUTION BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN THE MOUNT DORA EXCHANGE AND THE APOPKA, ORLANDO, WINTER GARDEN, WINTER PARK, EAST ORANGE, REEDY CREEK, WINDERMERE, AND LAKE BUENA VISTA EXCHANGES.

DOCKET NO. 910022-TL - RESOLUTION BY BRADFORD COUNTY COMMISSION REQUESTING EXTENDED AREA SERVICE WITHIN BRADFORD COUNTY AND BETWEEN BRADFORD COUNTY, UNION COUNTY, AND GAINESVILLE.

DOCKET NO. 910029-TL - REQUEST BY VOLUSIA COUNTY COUNCIL FOR EXTENDED AREA SERVICE BETWEEN THE SANFORD EXCHANGE (OSTEEN AND DELTONA) AND THE ORANGE CITY AND DELAND EXCHANGES.

DOCKET NO. 910528-TL - REQUEST BY PUTNAM COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN THE CRESCENT CITY, HAWTHORNE, ORANGE SPRINGS, AND MELROSE EXCHANGES, AND THE PALATKA EXCHANGE.

*faxed
mailed 11/11*

DOCKET NO. 910529-TL - REQUEST FOR EXTENDED AREA SERVICE BETWEEN ALL EXCHANGES WITHIN VOLUSIA COUNTY BY VOLUSIA COUNTY COUNCIL.

DOCKET NO. 911185-TL - REQUEST FOR EXTENDED AREA SERVICE BETWEEN ALL EXCHANGES WITHIN VOLUSIA COUNTY BY VOLUSIA COUNTY COUNCIL.

DOCKET NO. 921193-TL - RESOLUTION BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN ALL EXCHANGES IN PALM BEACH COUNTY.

PSC-96-1335-FOF-TL

Attached is an ORDER SETTING MATTER FOR STAFF WORKSHOP, to be issued in the above-referenced docket. (Number of pages in Order - 5)

DLC/anr

Attachment

cc: Division of Communications

I: 941281WO.DC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers) DOCKET NO. 941281-TL
of the Groveland exchange for)
extended area service (EAS) to)
the Orlando, Winter Garden, and)
Windermere exchanges.)

In Re: Petition by the) DOCKET NO. 930173-TL
residents of Polo Park)
requesting extended area service)
(EAS) between the Haines City)
exchange and the Orlando, West)
Kissimmee, Lake Buena Vista,)
Windermere, Reedy Creek, Winter)
Park, Clermont, Winter Garden,)
and St. Cloud exchanges.)

In Re: Resolution by the Taylor) DOCKET NO. 930235-TL
County Board of Commissioners)
for countywide extended area)
service (EAS) within Taylor)
County.)

In Re: Resolution by Holmes) DOCKET NO. 870248-TL
County Board of County)
Commissioners for extended area)
service in Holmes County.)

In Re: Request by Gilchrist) DOCKET NO. 870790-TL
County Commissioners for)
extended area service)
throughout Gilchrist County.)

In Re: Resolution by the Orange) DOCKET NO. 900039-TL
County Board of County)
Commissioners for extended area)
service between the Mount Dora)
exchange and the Apopka,)
Orlando, Winter Garden, Winter)
Park, East Orange, Reedy Creek,)
Windermere, and Lake Buena Vista)
exchanges.)

DOCUMENT NUMBER-DATE

11804 NOV-58

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-1335-FOF-TL
DOCKETS NOS. 941281-TL, 930173-TL, 930235-TL, 870248-TL, 870790-TL,
900039-TL, 910022-TL, 910029-TL, 910528-TL, 910529-TL, 911185-TL,
921193-TL
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In Re: Request by Bradford) DOCKET NO. 910022-TL
County Commission requesting)
extended area service within)
Bradford County and between)
Bradford County, Union County,)
and Gainesville.)

In Re: Request by Volusia) DOCKET NO. 910029-TL
County Council for extended area)
service between the Sanford)
exchange (Osteen and Deltona))
and the Orange City and Deland)
exchanges.)

In Re: Request by Putnam County) DOCKET NO. 910528-TL
Board of County Commissioners)
for extended area service)
between the Crescent City,)
Hawthorne, Orange Springs, and)
Melrose exchanges, and the)
Palatka exchange.)

In Re: Request by Pasco County) DOCKET NO. 910529-TL
Board of County Commissioners)
for extended area service)
between all Pasco County)
exchanges.)

In Re: Request for extended) DOCKET NO. 911185-TL
area service between all)
exchanges within Volusia County)
by Volusia County Council)

In Re: Resolution by the Palm) DOCKET NO. 921193-TL
Beach County Board of County) ORDER NO. PSC-96-1335-FOF-TL
Commissioners for extended area) ISSUED: November 5, 1996
service between all exchanges in)
Palm Beach County.)

ORDER NO. PSC-96-1335-FOF-TL
DOCKETS NOS. 941281-TL, 930173-TL, 930235-TL, 870248-TL, 870790-TL,
900039-TL, 910022-TL, 910029-TL, 910528-TL, 910529-TL, 911185-TL,
921193-TL
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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

ORDER SETTING MATTER FOR STAFF WORKSHOP

There are a number of dockets in various procedural stages that are affected by our interpretation of Sections 271 and 272 of the Telecommunications Act of 1996 (Act), 47 U.S.C. 271 and 272 and its impact regarding pending interLATA (local access and transport area) routes of BellSouth Telecommunications, Inc. (BellSouth). Two dockets are post-hearing (930173-TL - Polo Park; and 941281-TL - Groveland), one docket is set for hearing in February, 1996 (930235-TL - Taylor County), and in the other dockets, we ordered BellSouth to seek a waiver of the Act's requirements from the Federal Communications Commission (FCC).

In Docket No. 941281-TL, we ordered the parties to file briefs regarding the issue of the feasibility of implementing either extended area service (EAS) or extended calling service (ECS) on the Groveland to Orlando interLATA route based on Sections 271 and 272 of the Act, or Chapter 364, Florida Statutes. See Order No. PSC-96-1033-PCO-TL, issued August 8, 1996.

In the Groveland docket, Docket No. 941281-TL, this Commission was concerned that under Section 271 of the Act, Bell operating companies (BOCs) are prohibited from at least originating interLATA traffic, until they meet certain conditions including a "competitive checklist." We have the same concerns in these dockets.

Under Section 272 of the Act, even after it meets the requirements of Section 271, a Bell operating company may only originate interLATA telecommunications services through a separate and independent affiliate. For BellSouth, this would presumably be either its interexchange carrier (IXC) or alternative local exchange company (ALEC) affiliate.

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921193-TL

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It does not appear that BellSouth's IXC affiliate could carry either EAS or ECS traffic without running afoul of Sections 364.08, 364.09, and/or 364.10, Florida Statutes. As for BellSouth's ALEC affiliate, we question whether we have the statutory authority to order it to implement an EAS or ECS plan.

Accordingly, we direct our staff to conduct a workshop to obtain additional information and allow all affected parties in these dockets an opportunity to participate. Specifically, the issues of the workshop are as follows:

1. Does the Act prohibit BellSouth from originating EAS or ECS traffic from the routes in question?
2. Does the Act allow BellSouth to terminate interLATA EAS or ECS traffic from the routes in question?
3. Can BellSouth's IXC affiliate carry EAS or ECS traffic without violating Sections 364.08, 364.09, and/or 364.10, Florida Statutes, or the Telecommunications Act of 1996?
4. Can the Commission require BellSouth's ALEC affiliate to carry EAS or ECS traffic?
5. How can EAS or ECS be implemented without violating either the Act or Chapter 364, Florida Statutes?

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that our Commission staff conduct a workshop to determine the impact of the Telecommunications Act of 1996 regarding pending interLATA routes of BellSouth Telecommunications, Inc. as discussed in the body of this Order. It is further

ORDERED that these dockets remain open.

ORDER NO. PSC-96-1335-FOF-TL

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900039-TL, 910022-TL, 910029-TL, 910528-TL, 910529-TL, 911185-TL,
921193-TL

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By ORDER of the Florida Public Service Commission, this 5th
day of November, 1996.



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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requestion for Photocopying and Mailing

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Item Presented

Agendo For (Date) _____ Order No. _____ In Docket No. _____
I Notice of [Signature] For (Date) 11/15 In Docket No. _____
 Other _____

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