

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by Lake County Board of Commissioners requesting Extended Area Service (EAS) between the Eustis and Umatilla exchanges and the Debary, Deland and Orange City exchanges; and between the Eustis and Mount Dora exchanges and the Sanford and Orlando exchanges.

DOCKET NO. 970826-TL
ORDER NO. PSC-97-0972-FOF-TL
ISSUED: August 12, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
DENYING REQUEST FOR EXTENDED AREA SERVICE (EAS)

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.

On June 4, 1997, the Lake County Board of Commissioners submitted Resolutions 1997-81 and 1997-82 with this Commission requesting extended area service (EAS) between the Eustis and Umatilla exchanges and the Debary, Deland and Orange City exchanges. Lake County also requested EAS between the Eustis and Mount Dora exchanges and the Sanford and Orlando exchanges.

Sprint-Florida, Inc., (Sprint) provides service to the Eustis, Mount Dora, Orange City, and Umatilla exchanges. BellSouth Telecommunications, Inc., (BellSouth) provides service to the Debary, Deland, Orlando, and Sanford exchanges. The Eustis, Mt. Dora, and Umatilla exchanges are located in the Gainesville LATA.

DOCUMENT NO. 97-0972-FOF-TL-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0972-FOF-TL
DOCKET NO. 970826-TL
PAGE 2

The Debary, Orange City, Orlando, and Sanford exchanges are located in the Orlando LATA. The Deland exchange is located in the Daytona Beach LATA.

BellSouth and Sprint opted for price regulation, effective January 1, 1996, and January 2, 1996, respectively, in accordance with Section 364.051, Florida Statutes. Pursuant to Section 364.385, Florida Statutes, any requests for EAS or extended calling service (ECS) filed after July 1, 1995, and subsequently implemented in a price-regulated LEC's territory, become a non-basic service. We cannot order a price-regulated LEC to implement a non-basic service; thus, we are without jurisdiction to require the price-regulated LECs to implement post-July 1, 1995, requests for EAS or ECS. Because Lake County's request was filed on June 4, 1997, the decision to implement the request is solely within the discretion of Sprint and BellSouth. Lake County's request is, therefore, denied.

Based on the foregoing, it is

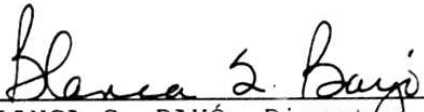
ORDERED by the Florida Public Service Commission that the request by the Lake County Board of Commissioners for extended area service (EAS) is denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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

ORDER NO. PSC-97-0972-FOF-TL
DOCKET NO. 970826-TL
PAGE 3

By ORDER of the Florida Public Service Commission, this 12th
day of August, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BC

ORDER NO. PSC-97-0972-FOF-TL
DOCKET NO. 970826-TL
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 2, 1997.

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

ORDER NO. PSC-97-0972-FOF-TL
DOCKET NO. 970826-TL
PAGE 5

notice of appeal must be in the form specified in Rule 9.900(a),
Florida Rules of Appellate Procedure.