

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by the TAYLOR
COUNTY BOARD OF COMMISSIONERS
for countywide extended area
service (EAS) within Taylor
County.

DOCKET NO. 930235-TL
ORDER NO. PSC-97-1383-PCO-TL
ISSUED: October 31, 1997

ORDER REVISING PRELIMINARY LIST OF ISSUES

We opened this docket in response to a resolution filed by the Board of County Commissioners of Taylor County on January 29, 1993, requesting extended area service (EAS) between all exchanges in Taylor County. Taylor County contains all or part of the Perry, Keaton Beach, and Cross City exchanges. The Cross City exchange is served by BellSouth Telecommunications, Inc. (BellSouth) and is located in the Gainesville LATA, while the Perry and Keaton Beach exchanges are served by Gulf Telephone Company (Gulf) and are located in the Tallahassee LATA.

By Order No. PSC-96-0557-FOF-TL, issued April 25, 1996, we set this matter for hearing on community of interest issues because BellSouth was unable to provide interLATA traffic data from its exchange to the other Taylor County exchanges.

By Order No. PSC-96-1007-PCO-TL, issued August 6, 1996, the procedural dates in this docket were extended in order to allow us time to review the impact of the Telecommunications Act of 1996 (the Act) on pending requests for interLATA EAS on BellSouth routes. There was some concern that under Section 271 of the Act, Bell operating companies (BOCs) are clearly prohibited from originating interLATA traffic until the BOCs meet certain conditions. Under Section 272 of the Act, even after it meets the requirements of Section 271, a BOC may only originate interLATA telecommunications services through a separate and independent affiliate. In view of these concerns, by Order No. PSC-96-1335-FOF-TL, issued November 5, 1996, we directed Commission staff to conduct a staff workshop in order to gather additional information regarding the implications of the Act for BellSouth EAS routes and to allow the parties in all affected toll relief dockets an opportunity to participate. Staff conducted the workshop on November 18, 1996, and the participants were asked to file post-workshop comments.

DOCUMENT NUMBER-DATE

11226 OCT 31 97

FD-302 (REV. 05-22-94)

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On May 30, 1997, by Order No. PSC-97-0621-FOF-TL, we determined that the Act appeared to prohibit BellSouth from originating interLATA traffic. Furthermore, we found that although a BellSouth affiliate could carry interLATA EAS or ECS traffic, pursuant to Section 364.385(2), Florida Statutes, we would not be able to order such an affiliate to implement what would be considered a basic service because only LECs may be required to provide basic services. We, therefore, suspended action in this docket pending a hearing on the issue of whether one-way toll relief was appropriate. In a separate order, Order No. PSC-97-0622-FOF-TL, issued May 30, 1997, we set the issue of the feasibility of one-way ECS for hearing.

On July 15, 1997, the Federal Communications Commission (FCC) issued Order 97-244 which indicates that the FCC will continue to consider requests for waiver of the LATA boundaries in order to allow the provision of flat-rate, non-optional local calling service.

On July 15, 1997, the FCC issued Order 97-244. That order addressed several petitions for modification of LATA boundaries to allow Ameritech, Bell Atlantic, BellSouth, Southwestern Bell, and US West to provide expanded local calling service. Therein, the FCC determined that the need for certain expanded local calling routes outweighed any anticompetitive risks, and therefore, it approved 23 of the requests to modify LATA boundaries. In approving these requests, the FCC emphasized that the LATAs were being modified solely to allow the BOCs to offer non-optional, flat rate local calling service. Any other types of service offered between the identified exchanges would still be considered interLATA. See FCC Order 97-244 at ¶ 19. In addition, in Section V of Order 97-244, Future LATA Modification Requests, the FCC set forth specific guidelines to assist BOCs in filing future LATA modification petitions.

In view of the FCC's apparent willingness to continue to consider requests for modification of LATA boundaries to allow BOCs to provide expanded, flat rate, local calling, at our October 21, 1997, Agenda Conference, we ordered that this docket be rescheduled for hearing on community of interest issues.

On October 24, 1997, a staff workshop was held to review the preliminary issues previously identified in Order No. PSC-96-0812-PCO-TL, issued June 24, 1996. As a result, the issues were modified. The issues as agreed upon are set forth below:

ISSUE 1:

Is there a sufficient community of interest on the Cross City (Taylor County pocket)/Keaton Beach, and Cross City (Taylor County pocket)/Perry routes to justify surveying for nonoptional extended area service as currently defined in the Commission rules or implementing an alternative interLATA toll plan?

ISSUE 2:

If a sufficient community of interest is found on either of the routes identified in Issue 1, what is your position regarding each of the following plans (summarize in chart form and discuss in detail) and how should they be implemented?

- a) EAS with 25/25 plan and regrouping;
- b) Alternative InterLATA toll plan; and
- c) Other (specify)

ISSUE 3:

Should subscribers be required to pay an additive as a prerequisite to surveying for flat rate, two-way, nonoptional extended area service? If so, who should pay the additive, how much of a payment is required, and how long should it last?

ISSUE 4:

If a sufficient community of interest is found, what are the appropriate rates and charges for any alternative plan and how should it be implemented on either of the routes identified in Issue 1?

ISSUE 5:

If extended area service or any alternative plan is determined to be appropriate, which customers should be surveyed?

Based on the foregoing, it is

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the preliminary issues for the hearing on January 29, 1998, are those set forth in the body of this Order.

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By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 31st Day of October, 1997.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

BC

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.

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 25-22.038(2), 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,

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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.

RECEIVED

MEMORANDUM

October 29, 1997

OCT 31 1997

12.15
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CULPEPPER) *bl*

RE: DOCKET NO. RESOLUTION BY THE TAYLOR COUNTY BOARD OF COMMISSIONERS FOR COUNTYWIDE EXTENDED AREA SERVICE (EAS) WITHIN TAYLOR COUNTY. *MB*

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Attached is an ORDER REVISING PRELIMINARY LIST OF ISSUES, to be issued in the above referenced docket. (Number of pages in order - 5)

BC/anr
Attachment
cc: Division of Communications
I: 930235ri.bc

MUST GO TODAY

Requisition for Photocopying and Mailing

Number of Originals 59.8 Date 10/31/97 Copies Per Original 250 Each

Requested By Julkh

Item Presented _____
Agenda For (Date) _____ Order No. 97-1382 In Docket No. 93023572
Notice of _____ For (Date) 97-1383 In Docket No. _____
Other _____

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