

MEMORANDUM

February 17, 1998

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5:55
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) ^{AK} _{MLB}

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

98-0308-FOF-TL

Attached is a FINAL ORDER REQUIRING IMPLEMENTATION OF EXTENDED AREA SERVICE, to be issued in the above referenced docket.
(Number of pages in order - 5)

BK/anr
Attachment
cc: Division of Communications
I: 9412810.bk

See 1

Corrected - 5/11
wanted - 5/11

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by subscribers of the Groveland exchange for extended area service (EAS) to the Orlando, Winter Garden, and Windermere exchanges.

DOCKET NO. 941281-TL
ORDER NO. PSC-98-0308-FOF-TL
ISSUED: February 23, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK

FINAL ORDER REQUIRING IMPLEMENTATION
OF EXTENDED AREA SERVICE

BY THE COMMISSION:

This docket was initiated pursuant to a petition submitted on November 11, 1994, by the subscribers of the Groveland exchange requesting extended area service (EAS) to the Orlando exchange. The Winter Garden and Windermere exchanges were included to prevent leapfrogging. The Groveland, Windermere, and Winter Garden exchanges are served by Sprint United-Florida, Inc. (Sprint), and the Orlando exchange is served by BellSouth Telecommunications, Inc. (BellSouth). The Groveland exchange is located in the Gainesville local access and transport area (LATA). The Windermere, Winter Garden and Orlando exchanges are located in the Orlando LATA.

By Order No. PSC-95-0875-FOF-TL, issued July 19, 1995, we set this matter for hearing to consider community of interest criteria other than traffic data. On April 18, 1996, we held public and technical hearings in Groveland.

By Order No. PSC-96-1033-PCO-TL, issued August 8, 1996, 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 Telecommunications Act of 1996 (Act). Thereafter, by Order No.

DOCUMENT NUMBER DATE

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PROC. NO. 123456789

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PSC-96-1335-FOF-TL, issued November 5, 1996, we directed Commission staff to conduct a staff workshop in order to gather additional information and to allow the parties in this docket, as well as numerous other affected toll relief dockets, an opportunity to participate. Our staff conducted the workshop on November 18, 1996, and the participants were asked to file post-workshop comments.

By Order No. PSC-97-0620-FOF-TL, we decided to postpone a post-hearing decision pending our determination of whether one-way interLATA toll relief was feasible. We determined that it was appropriate to suspend further action because of the Act's provisions prohibiting Bell Operating Companies (BOCs) from originating interLATA traffic until the BOCs have met the requirements of Section 271 of the Act. In a separate order, Order No. PSC-97-0622-FOF-TL, issued May 30, 1997, we ordered that the issue of the feasibility of one-way ECS be set for hearing.

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 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.

By Order No. PSC-97-1309-FOF-TL, issued October 22, 1997, we ordered Sprint United-Florida to survey the subscribers of the Groveland exchange for nonoptional, two-way, flat rate, extended area service under the 25/25 plan with regrouping to the Orlando, Winter Garden, and Windermere exchanges because of the FCC's apparent willingness to continue to consider requests for modification of LATA boundaries to allow BOCs to provide expanded local calling.

Survey Results

Rule 25-4.063(6), Florida Administrative Code, requires a majority of all respondents in each exchange to vote favorably, and at least 40% of all ballots mailed must be returned.

Sprint mailed 3,616 ballots to all customers of record in the Groveland exchange. The results of the survey are shown on Table A:

TABLE A

SURVEY RESULTS			
	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	3,616	100.00%	
Ballots Returned	1,660	45.91%*	100.00%
For EAS	1,195	33.05%	71.99%**
Against EAS	459	12.69%	27.65%
Invalid	6	.166%	.36%

* Rule requires 40% of the ballots mailed must be returned.

** Rule requires a majority (>50%) of the ballots returned must vote favorably (40% requirement must be met regardless of majority vote).

Based on the results of the survey, Sprint United-Florida and BellSouth shall be required to implement nonoptional, two-way, flat rate EAS between the Groveland exchange and the Orlando, Winter Garden, and Windermere exchanges at the rates indicated in Order No. PSC-97-1309-FOF-TL, and listed below in Table B.

TABLE B

	PRESENT RATE	25/25 ADDITIVE	REGROUPING	TOTAL ADDITIVE	NEW RATE
R-1	\$ 8.73	\$ 2.37	\$ 1.50	\$ 3.87	\$12.60
B-1	\$20.47	\$ 5.57	\$ 3.56	\$ 9.13	\$29.60
PBX	\$40.98	\$11.13	\$ 7.08	\$18.21	\$59.19

We note that in order to provide expanded local calling service on the Orlando/Groveland route, BellSouth must apply to the FCC for a waiver to modify the LATA boundary. We shall, therefore, require BellSouth to petition the FCC for a waiver to allow BellSouth to provide EAS on this route.

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Furthermore, EAS shall be implemented on the Groveland/Winter Garden and Groveland/Windermere routes as soon as possible, but not to exceed twelve months from the issuance date of this Order. As for the Orlando/Groveland route, if the FCC approves BellSouth's petition for a waiver of the LATA boundary, EAS shall be implemented on this route as soon as possible, but not to exceed twelve months from the date of the FCC's approval of the waiver. We direct our staff to place this docket on monitor status to ensure that Sprint-United and BellSouth make the necessary tariff revisions to comply with the implementation date.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Sprint United-Florida shall implement nonoptional, flat-rate extended area service at the rates set forth in the body of this Order on the Groveland/Winter Garden route and the Groveland/Windermere route as soon as possible, but not to exceed twelve months from the issuance of this Order. It is further

ORDERED that BellSouth Telecommunications, Inc. shall seek a waiver of the LATA boundary from the Federal Communications Commission to allow it to provide extended area service on the Orlando/Groveland route. It is further

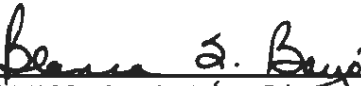
ORDERED that if the Federal Communications Commission grants BellSouth Telecommunications, Inc.'s request for a waiver of the LATA boundary, then non-optional, flat-rate extended area service shall be implemented at the rates set forth in the body of this Order on the Groveland/Orlando route as soon as possible, but not to exceed twelve months from the date the Federal Communications Commission grants the waiver. It is further

ORDERED that this Docket shall be monitored to ensure that Sprint United-Florida and BellSouth Telecommunications, Inc. submit the necessary tariff revisions to comply with the required implementation dates. It is further

ORDERED that upon submission of the required tariff revisions, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 23rd
day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BK

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/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 after the issuance 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.