

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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. 930173-TL  
ORDER NO. PSC-98-0537-FOF-TL  
ISSUED: April 17, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
JOE GARCIA  
E. LEON JACOBS, JR.

APPEARANCES:

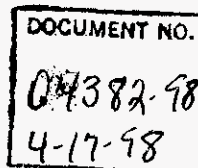
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On behalf of Commission Staff.



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NOTICE OF PROPOSED AGENCY ACTION REQUIRING CHANGE  
TO PRACTICES INVOLVING EXCHANGE OF CUSTOMER INFORMATION AND  
FINAL ORDER ON REQUEST FOR EXTENDED AREA SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that part of 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.

This docket was initiated pursuant to a petition submitted to us by residents of Polo Park (Polo Park or petitioners), which is a pocket of the Haines City exchange. By their petition, the residents of Polo Park requested that extended area service (EAS) be implemented between the Haines City exchange and the Orlando, West Kissimmee, Kissimmee, Lake Buena Vista, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden and St. Cloud exchanges. Since the filing of Polo Park's petition, the Celebration exchange has been established. This new exchange is located in the center of the other requested routes, therefore, we also considered it in this docket.

The Haines City exchange is served by GTE Florida Incorporated (GTEFL) and is located in the Tampa Market Area. BellSouth Telecommunications, Inc. serves the Orlando exchange, which is located in the Orlando LATA. The West Kissimmee, Kissimmee, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden and St. Cloud exchanges are served by Sprint-United Telephony of Florida (Sprint-United) and are located in the Orlando LATA except for Clermont, which is located in the Gainesville LATA. The Lake Buena Vista and Celebration exchanges are served by Vista-United Telecommunications (Vista-United), and are also located in the Orlando LATA. Each of these routes is an interLATA route.

By Order No. PSC-93-0437-PCO-TL, issued March 23, 1993, we directed GTEFL, BellSouth and Sprint-United Telephone to conduct traffic studies on the identified routes. By Order No. PSC-93-0437A-PCO-TL, issued April 15, 1993, we also ordered Vista-United to conduct traffic studies on these routes.

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On April 19, 1993, Polo Park filed a request to postpone the ordered traffic study until a time period more representative of the calling patterns. Specifically, the petitioner asked that we allow the studies to be postponed until February or March of 1994, in order to better reflect calling patterns of seasonal residents. By Order No. PSC-93-0984-FOF-TL, issued June 30, 1993, we granted the petitioners request to postpone the traffic studies until February of 1994.

By Order No. PSC-93-1168-FOF-TL, issued August 10, 1993, we partially modified our previous orders to relieve BellSouth of the requirement to perform traffic studies on the interLATA routes at issue in this docket. By Order No. PSC-94-0091-PCO-TL, issued January 26, 1994, we ordered GTEFL, BellSouth, Sprint-United, and Vista-United to perform traffic studies within 90 days from the date of the order on the routes at issue in this docket.

By Order No. PSC-94-0476-PCO-TL, issued April 20, 1994, we granted Sprint-United's motion for an extension until May 31, 1994, to file the traffic studies required by Order No. PSC-94-0091-PCO-TL.

By Order No. PSC-95-1262-FOF-TL, issued October 16, 1995, we ordered that no further traffic studies were required by BellSouth and GTEFL on the interLATA routes at issue in this docket.

By Order No. PSC-95-1396-FOF-TL, issued November 13, 1995, we determined that this docket should be evaluated with the other pending EAS dockets that involve pocket areas. We also set this docket for hearing to allow the parties an opportunity to present community of interest information, and by Order No. PSC-96-0093-PCO-TL, issued January 18, 1996, the procedure for this proceeding was established. Order No. PSC-96-0242-PCO-TL, issued February 20, 1996, modified the procedural schedule and established the preliminary list of issues in this proceeding. On June 14, 1996, we conducted a public and a technical hearing in Haines City at Polo Park.

Following the hearing, concerns were raised regarding the impact of the Telecommunications Act of 1996 (the Act) on the ability of Bell Operating Companies (BOCs) to provide interLATA telecommunications services. Specifically, we became concerned that Section 271 of the Act prohibits the BOCs from originating interLATA traffic until the BOCs meet certain conditions, including completion of a competitive checklist. Under Section 272 of the

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Act, even after it meets the requirements of Section 271, a BOC may only originate interLATA telecommunications services through a separate and independent affiliate. The Act, therefore, appeared to completely restrict BellSouth from providing interLATA telecommunications services on the Orlando/Haines City route. Since the Haines City/Orlando route was the petitioners' primary concern, the petitioners agreed that it was necessary to resolve this issue through a workshop. Thus, by Order No. PSC-96-1335-FOF-TL, issued November 5, 1996, we scheduled a workshop to obtain additional information concerning the impact of the Telecommunications Act of 1996 on pending requests for interLATA EAS on BellSouth's routes and to allow all affected parties in this docket an opportunity to participate. As a result of that workshop, by Order No. PSC-97-0619-FOF-TL, issued May 30, 1997, we postponed action on all pending interLATA EAS dockets, until a determination could be made on the feasibility of one-way EAS and ECS.

On July 15, 1997, however, the FCC issued Order 97-244 addressing several petitions by BOCs for modification of LATA boundaries to allow them to provide expanded local calling service. The FCC determined that the need for certain expanded local calling routes outweighed any anticompetitive risks, and therefore approved 23 of the requests to modify LATA boundaries. The FCC also emphasized that the LATAs were being modified solely for the purpose to allow the BOCs to offer non-optional, flat rate local calling service, not to permit the BOCs to offer any other type of service. The FCC further concluded that flat-rate, non-optional, expanded local calling service between exchanges will be deemed intraLATA, and the provisions of the Act governing intraLATA service will apply. Other types of service between specified exchanges will, however, be deemed interLATA, and the provisions of the Act governing interLATA service will apply to prohibit BellSouth from originating traffic on those routes.

By Order No. PSC-97-1309-FOF-TL, issued October 22, 1997, we concluded that it was appropriate to proceed with consideration of interLATA EAS requests in view of the FCC's determination in Order 97-244 at ¶19.

Finally, at our February 17, 1998, Agenda Conference, we deferred consideration of our staff's recommendation on this matter in order allow our staff and the LECs involved in this docket additional time to try to resolve a specific problem that was identified at the hearing. Specifically, the problem identified is

that often it is difficult to locate certain customers through Directory Assistance or Directory Listings because the customer's physical address creates confusion as to the exchange and company for which the person receives service. Our staff conducted informal meetings with company representatives on March 5, 1998, and March 11, 1998. As a result of those meetings, we have included a proposed agency action at the outset of this Order. This Order is, therefore, our final determination on Polo Park's request for extended area service and our proposed agency action regarding the Directory Assistance and Directory Listings problem identified at the hearing.

#### PROPOSED AGENCY ACTION

At our direction, our staff conducted informal meetings with company representatives on March 5, 1998, and March 11, 1998 to resolve certain Directory Assistance (DA) and Directory Listing problems that were identified at the Polo Park hearing regarding the difficulty of locating some customers through Directory Assistance or Directory Listings. All of the attending companies, BellSouth, GTEFL, and Sprint, expressed great interest and concern in resolving this matter. The companies stated that they have resolved the DA and Directory Listing concerns for the Polo Park area that were identified at the hearing, but asserted that it will take some additional time to resolve the problem on a going forward basis.

Specifically, GTEFL stated that its current billing system does not allow a mechanized method of checking new customer's address to ensure that they do not experience the same DA and Directory Listing problems as Polo Park residents. GTEFL stated it will continue to track new customers on a manual basis until the billing system is updated.

Sprint indicated that it is currently providing the other LECs with information regarding their customers, but Sprint stated it was not receiving information from the other LECs. The other LECs expressed concern, however, over where Sprint was actually sending the data and how that information was being sent. BellSouth stated that its system should be able to identify these types of customers with some modifications and coordination with the other LECs.

The companies stated that they will work together to develop a system whereby they can exchange customer information for DA and

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Directory Listings. They believe this procedure can be finalized within six months.

Based on the foregoing, we shall order GTEFL, BellSouth, and Sprint, to adjust their practices with regard to exchange of customer information for Directory Assistance and Directory Listing in order to remedy the problem with locating customers through DA or Directory Listings whose serving exchanges are not readily recognizable by their physical address. The companies shall implement changes to their information practices within 6 months of this Order.

FINAL DETERMINATION ON REQUEST FOR EAS

I. SURVEY

**BELLSOUTH**

BellSouth stated that in the absence of traffic data, BellSouth could not determine whether a community of interest existed on the Haines City to Orlando route, which is the only BellSouth route at issue in this case. BellSouth argued, therefore, that if we find some relief is appropriate, we should order the implementation of the ECS Plan.

BellSouth's witness Stanley asserted that BellSouth does not support flat rate non-optional EAS between Orlando and Haines City. Witness Stanley asserted that Rule 25-4.060(3), Florida Administrative Code, is clear on the traffic and distribution of calls requirements. The witness contended that in the absence of traffic and distribution data, BellSouth has no way of knowing that these requirements have been met. He also stated that if the Commission believes that some toll relief is justified, BellSouth recommends an alternative plan such as ECS.

BellSouth's witness Stanley further noted that because the Orlando to Haines City route is an interLATA route, BellSouth would be required to obtain a waiver in order to provide service between Orlando and Haines City. Witness Stanley asserted that traditionally such waivers were only given for non-optional EAS; not ECS.

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**GTEFL**

GTEFL also argued that it is not possible to determine whether there was a sufficient community of interest to warrant balloting the routes at issue for EAS, because the calling statistics required to determine community of interest under the Commission's rules are not available. GTEFL argued, therefore, that we not order any type of mandatory toll relief.

In its brief, GTEFL argued that before we order any form of toll relief, we must determine that a sufficient community of interest exists. GTEFL contended that our rules require that a community of interest is to be evaluated through detailed usage studies calculating customers' monthly calling statistics between exchanges involved in an EAS request. GTEFL noted that the rules prescribe specific calling levels that must be met in order for us to find a preliminary showing of community of interest. GTEFL maintained that if the interexchange traffic patterns over any given route do not meet these prescribed community of interest qualifications, we may then consider other unspecified community of interest factors. GTEFL argued that while alternatives to non-optional, flat rate EAS may be ordered even if the rules' traffic requirements are not met, we are still required to study interexchange traffic patterns before ordering any alternate relief.

GTEFL's witness Robinson, however, argued that in this case the calling data that we need in order to evaluate community of interest are unavailable. Witness Robinson added that the requested routes are interLATA and are served by interexchange carriers rather than by GTEFL. The witness stated that in the past GTEFL was able to compile complete interLATA toll statistics because it performed rating and recording of calls for AT&T; however, GTEFL no longer performs these functions for AT&T and, therefore, no longer has access to the toll data. Witness Robinson noted that in March of 1994, we excused GTEFL from filing interLATA traffic data in this docket and recognized that GTEFL is unable to provide traffic data in the format required by the EAS rules. The witness further asserted that in the absence of the toll calling data, it is impossible to determine whether a sufficient community of interest exists to survey for EAS or an alternative toll relief plan.

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Conversely, GTEFL's witness Robinson noted that it is obvious that a community of interest exists because 300 citizens attended the public hearings. Witness Robinson testified that the public witnesses clearly indicate that there is strong demand and community of interest. GTEFL asserted that it believes the petitioners deserve some form of toll relief, but no mandatory EAS or alternative toll relief plans should be imposed. GTEFL recommended that GTEFL's local calling plan (LCP) offers a variety of options from which customers could choose an alternative to their current service. GTEFL maintained that because customers have diverse calling needs and patterns, its LCPs are the best way to meet each customer's differing needs. Additionally, GTEFL contended that this customized and fully optional approach is more customer-oriented than any one-size-fits-all plan.

#### **POLO PARK**

Polo Park argued, however, that there is clearly a sufficient community of interest to merit balloting because of the unique location of Polo Park and the surrounding 32 residential communities.

The petitioners contended that because of Polo Park's unique location in the four county convergence area, Lake, Orange, Osceola, and Polk, and due to the burgeoning growth rate, there is a sufficient community of interest to warrant surveying for flat rate non-optional EAS on the requested routes. The petitioners argued that special consideration should be given to the pocket area of northern Haines City because its community of interest differs from the residents within Haines City. The petitioners further maintained that testimony presented at the public hearing clearly indicated that the Polo Park pocket area's community of interest is Orlando, Kissimmee, and Lake Buena Vista.

Of the 47 citizens that testified at the public hearing, all of them supported the request for flat rate non-optional EAS or some alternative form of toll relief. Witnesses Hilkin, Noak, Romans, and Garmon indicated that they support EAS with the full knowledge it would require a rate increase. Additionally, witnesses Scheuer, Reininghaus, Chapman, and Dalrymple indicated that they depend on the Orlando, Kissimmee, West Kissimmee and Lake Buena Vista areas for their business services, personal needs, and employment.



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Also, witnesses Chapman, Reininghaus, Snider, and Tela stated that they use doctors and medical facilities located in Orlando, Kissimmee, West Kissimmee and Lake Buena Vista. Polo Park's witness Hilkin further maintained that while Haines City has its own medical facilities, hospital, and doctors, many residents of the area prefer to use medical facilities in the Orlando and Kissimmee areas. Additionally, witnesses Dubai and Vendetti argued that Haines City does not have the medical facilities to accommodate individuals that need major surgery and specialty care. For instance, witness Vendetti asserted that he incurred costly long distance charges calling doctors in Orlando regarding radiation treatments. Witness Reininghaus also argued that it is wrong when citizens cannot call their doctor or pharmacist without incurring long distance charges. Witness Hilkin added that it is virtually the same geographic distance from Polo Park to medical facilities in Orlando, Kissimmee, and Lake Buena Vista as it is to Haines City's medical facilities.

Witnesses Reininghaus, Scheuer, Malloy, Saumell, and Williams contend that they conduct business and are employed in Orlando, Kissimmee, West Kissimmee, and Lake Buena Vista. Witness Romans also asserted that Disney is the largest employer of residents in the area. Witness Reininghaus maintained that an estimated ten percent (10%) of Disney's employees live in the northern Haines City area. The witness further contended that at least 4,000 people work 8 to 12 miles away and cannot call their employer without incurring long distance charges. Witness Chapman also asserted that her husband works at Disney, and last month they made 47 long distance calls to the 407 area code. Of those calls, the witness asserted that 18 were made to Disney regarding work activities. She also maintained that this is costly because they average \$100 per month in long distance charges. Additionally, witness Malloy, who operates a home business in the Polo Park area, asserted that for the month of May of 1996, she made 157 work related long distance calls to the Disney area. Witness Malloy testified that her phone bill averages \$350 per month. The witness notes that being self employed, the long distance charges cut directly into the profit of the business.

Furthermore, witness Williams, a hotel owner, stated that it is difficult to conduct business in the area because of the long distance charges. Witness Williams maintained that 90% of his hotel's guests are there primarily to see Disney and attractions in the Orlando area. The witness indicated that the guests do not understand why it's long distance to call the Disney area, when you

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can see it from the hotel. He noted that guests are likely to reserve hotels in the Orlando area on their next visit to avoid incurring long distance charges.

Witnesses Boulton, Snider, D'Agostino, and Weiner contended that they rely on Orlando, Kissimmee, and West Kissimmee for their goods and professional services. For example, witness Snider asserted that she uses lawyers, CPAs, and other various services in those areas. Witness Weiner stated that he uses the movie theaters at Pleasure Island because there are no theaters in the Polo Park area. Witness D'Agostino noted that she and Mr. D'Agostino patronize businesses in the Orlando/Kissimmee area for their shopping and personal needs because Haines City has a very limited number of shopping centers. She further asserted that the majority of their phone calls are to the 407 area code because they use the Orlando/Kissimmee area for most of their needs. Witness D'Agostino also maintained that they made 48 calls to the 407 area code in May of 1996, which was very costly.

#### **SPRINT-UNITED AND VISTA UNITED**

As for Sprint-United and Vista-United, the companies stated that Rule 25-4.060(3), Florida Administrative Code, requires that a sufficient community of interest exists when the calling rate exceeds three Messages Per Access Line Per Month (M/A/Ms) and 50% of the subscribers in the exchange make two or more calls per month. Sprint argued that traffic on the routes in this docket does not meet either criterion; therefore, Sprint-United argued that we should not require the implementation of any mandatory toll relief plan.

Sprint-United's witness Harrell contended that there is not a sufficient community of interest on the routes at issue in this docket to justify surveying for flat rate non-optional EAS. Witness Harrell asserted that the traffic study results reflect calling rates from the Sprint-United exchanges to the Haines City exchange. Witness Harrell maintained that the results were not sufficient to meet the rule requirements for messages per access line per month (M/A/M) or distribution that are necessary to qualify for balloting for EAS on any of the routes. The witness also stated that the calling patterns on the routes do not support the implementation of any form of toll relief.

Witness Harrell also asserted that Sprint-United conducted traffic studies on the following routes:

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Kissimmee and West Kissimmee to Haines City (excluding the Poinciana 427 exception pocket)

Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (excluding the Poinciana 427 exception pocket)

Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (including the Poinciana 427 pocket)

Witness Harrell maintained that on the West Kissimmee, Kissimmee to Haines City routes, excluding the Poinciana 427 exception pocket, 90% of the residential customers made no calls. The witness stated that on the Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City routes, excluding the Poinciana 427 exception pocket, 92% of the residential customers on the route with the highest calling volume made no calls. She further stated that on the Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City, including the Poinciana 427 pocket routes, 98% of the residential customers on the route with the highest calling volume made no calls.

Although the calling rates from the requesting exchange remain unknown, Sprint-United's witness Harrell stated that history on previously studied routes can be used to provide estimates. Witness Harrell contended that she reviewed fourteen intraLATA routes that were studied by Sprint-United. The witness explained that even though the studied routes were intraLATA, she felt that the routes would have the same type of calling. Witness Harrell asserted that the traffic volume on the routes varied greatly with a 51% variation being the most extreme difference between the originating and terminating exchange calling rates. She emphasized that based on the calling volumes, none of Sprint-United's routes at issue come close to meeting our requirements to survey for non-optional flat rate EAS. Witness Harrell noted that if the calls on Sprint-United's routes were multiplied by five, the resulting M/A/M would still fall short of the requirements for balloting.

Vista-United asserted that the calling volumes for its routes in this docket do not come close to meeting the community of interest qualifications outlined in Rule 25-4.060(3), Florida Administrative Code. Vista-United contended that the rule states

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that a sufficient degree of community of interest between exchanges, sufficient to warrant further proceedings, will be considered to exist when the combined two-way calling rate over each interexchange route under consideration equals or exceeds two M/A/M and 50 percent or more of the subscribers in the exchanges involved make one or more calls per month. The Company maintained that the calling volumes identified are not sufficient to warrant further consideration for any form of toll relief.

#### **DETERMINATION**

Based on the evidence in the case and the arguments presented in the briefs, we agree with GTEFL, Sprint-United, and Vista-United that there is not ample evidence to conclude that a sufficient community of interest exists to warrant surveying the Haines City exchange (Polo Park Pocket) for flat rate non-optional EAS from Haines City to all exchanges at issue in this docket. While the public witnesses presented valid arguments that the northern Haines City area's community of interest encompasses the requested routes, we do not believe that the arguments expressed by the witnesses concerning the community of interest factors were sufficient to demonstrate that a significant level of community of interest exists between the Haines City exchange and the exchanges at issue to warrant surveying for flat rate, non-optional EAS.

Although several witnesses contended that they use doctors and medical facilities in Orlando, West Kissimmee, and Kissimmee, Haines City does have its own medical facilities, physicians, and hospital. We appreciate the witnesses' desire to call their chosen medical facilities and physicians; however, we do not believe this is sufficient cause to order a survey for flat rate non-optional EAS on the requested routes.

Many witnesses indicated that they conduct business and are employed in Orlando, Kissimmee, West Kissimmee and Lake Buena Vista, while others asserted that Disney is the largest employer of residents in the Polo Park area. All stated that they should be able to contact their employer without incurring toll charges. Nevertheless, we do not believe that the desire to expand the local calling scope in order to alleviate toll charges for calls to private employers is sufficient alone to establish a community of interest that would warrant toll relief.

Still other witnesses maintained that they depend on Orlando, Kissimmee, and West Kissimmee for goods and services. In

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particular, one witness indicated that he uses movie theaters at Pleasure Island because there are no theaters in the Loughman area which is part of the Polo Park area. While we acknowledge the witnesses arguments regarding their use of goods and services from these other exchanges, we do not believe these assertions are sufficient to warrant balloting for non-optional EAS.

We note that BellSouth's witness Stanley indicated that without access to traditional traffic data BellSouth has no way of knowing if the rule requirements have been met on the requested BellSouth route. Witness Stanley indicated that in order for BellSouth to provide an alternative form of toll relief on the interLATA route, BellSouth would have to obtain a waiver from the FCC, which traditionally has been granted only for EAS, not ECS. We note that in Order No. 97-244, issued July 15, 1997, the FCC determined that optional, measured extended local calling services (ELCS) was not appropriate because it would allow the BOCs to provide what would be interLATA toll service without first meeting the requirements of Section 271 of the Telecommunications Act of 1996. Furthermore, BOCs are prohibited from originating interLATA ECS. We have, therefore, scheduled hearings to determine the feasibility of one-way ECS on interLATA routes.

Although the calling rates from the requesting exchange remain unknown, Sprint-United's witness Harrell asserted that the calling rates from Sprint-United's exchanges to the Haines City exchange do not support implementation of any form of toll relief. We agree that the routes at issue do not warrant surveying for flat rate non-optional EAS. We do, however, believe that the routes warrant an alternative form of toll relief, ECS.

GTEFL has contended that in order to implement any form of toll relief the Commission's rules require that traffic data must be considered along with other community of interest factors to determine if a sufficient community of interest exists, and that in the absence of the calling data traditionally used to evaluate community of interest as required by the Commission's rules, it is impossible for the Commission to determine that a sufficient community of interest exists to survey for flat rate non-optional EAS or to implement an alternative form of toll relief. We disagree. Rule 25-4.060(5), Florida Administrative Code, states that in the event the interexchange traffic patterns on any given route do not meet the community of interest qualifications, we may consider other community of interest factors. Since the calling data we use to initially evaluate community of interest is not

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available, we believe that Rule 25-4.060(5) gives us the authority to consider other factors to determine if a community of interest exists. Therefore, based on the testimony, we find that there is not a sufficient community of interest to warrant surveying the Haines City exchange (Polo Park pocket) for flat rate non-optional EAS on the routes at issue.

We do find that a sufficient community of interest exists to warrant an alternative form of toll relief on the Haines City/Orlando, Haines City/Kissimmee, Haines City/West Kissimmee, Haines City/Lake Buena Vista, Haines City/Reedy Creek, Haines City/Celebration, Haines City (427)/Orlando, Haines City (427)/Lake Buena Vista, Haines City (427)/Reedy Creek and the Haines City (427)/Celebration routes. None of the remaining routes warrant an alternative form of toll relief. We note that we have included the Haines City/Reedy Creek and Haines City (427)/Reedy Creek to avoid "leapfrogging" these routes. We also clarify that the Celebration exchange, which was created after this docket was initiated, is located in the center of the petitioner's requested routes. As stated previously, this route was included for consideration due to its central location.

Upon consideration, we hereby order BellSouth, GTEFL, Sprint-United, and Vista-Sprint to implement ECS on the routes cited above, except the Haines City/Orlando and Haines City (427)/Orlando routes. Residential customers shall pay \$.25 per call regardless of duration, and business calls shall be rated at \$.10 for the first minute and \$.06 for each additional minute. IXC's may continue to carry the same type of traffic on those routes that they are now authorized to carry. ECS shall be implemented on these routes as soon as possible, but not to exceed six months from the issuance of this Order. Because the Orlando routes are interLATA and involve BellSouth, we do not believe, based on the FCC's determination in Order 97-244, that we can order two-way ECS on the Orlando routes. As we previously indicated, we have scheduled a hearing on May 27, 1998, to consider the feasibility of one-way interLATA ECS. We will consider the feasibility of implementing one-way ECS on the Orlando routes at that hearing.

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## II. COMMUNITY OF INTEREST FACTORS

### **BELLSOUTH**

BellSouth did not take a position on what community of interest factors should be used in making our determination.

### **GTEFL**

GTEFL stated community of interest factors could include location of schools, shopping areas, medical services, work centers, and the like.

GTEFL's witness Robinson stated that if we determine that we have the authority to order either an optional or non-optional toll alternative plan despite the lack of traffic data, we will be basing our decision on unquantifiable, societal factors. Witness Robinson asserted that such factors include the location of school district boundaries, major shopping areas, medical services, large plants or offices, and natural neighborhood boundaries not coincident with exchange boundaries. The witness contended that our rules contemplate consideration of these, ultimately unmeasurable, elements only in conjunction with traffic data as stand alone reasons for pursuing an EAS request.

### **POLO PARK**

Polo Park submitted an exhibit demonstrating the pattern of usage over a limited duration for a small cross section of users. The petitioners did not, however, provide an in-depth discussion of what community of interest factors they believed were relevant.

### **SPRINT-UNITED AND VISTA-UNITED**

Sprint-United and Vista-United stated that additional community of interest factors often included are the location of schools, fire/police departments, medical/emergency facilities and county government. The companies further stated that Davenport is in Polk County, and the traditional factors for that exchange reside within that county; therefore, traditional community of interest factors are not present.

Sprint-United's witness Harrell stated that additional community of interest factors may be considered such as location of

schools, fire/police departments, medical emergency facilities and county governments. Witness Harrell noted that none of the community of interest factors for Sprint-United exchanges are located in Polk County. The witness further asserted that Sprint-United is not aware of any additional community of interest factors for the Haines City exchange that would justify surveying for flat rate non-optional EAS.

In its brief, Sprint-United argued that the testimony at the public hearing did not reflect a need to call schools, fire/police departments, medical emergency facilities, and the county government. Sprint-United contended that the testimony strongly supported the need to call nearby neighbors, doctors, places of business and employment. Sprint-United maintained that if any form of toll relief is being considered, it should include only the exchanges for which a community of interest was demonstrated through testimony.

Vista-United stated that it supported the testimony of Sprint-United's witness Harrell on community of interest factors.

#### **DETERMINATION**

Upon consideration, we agree with the parties that other community of interest factors may include location of schools, fire and police departments, medical and emergency facilities, access to local government, location of workplace, and access to goods and services, such as shopping centers and social activities. Since traditional calling data is unavailable from GTEFL on the requested routes, we have based our determination on the community of interest factors discussed above.

#### III. ECONOMIC IMPACT

##### **BELLSOUTH**

BellSouth asserted that implementation of any toll relief plan would have some economic impact on BellSouth because the company would have to incur costs to provide facilities to implement any plan. BellSouth did not, however, have the data necessary to quantify these costs.

BellSouth's witness Stanley stated that without supporting data, BellSouth is unable to determine its access revenue loss.



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Witness Stanley maintained that BellSouth would incur additional costs associated with either leasing or constructing facilities in order to complete calls between Orlando and Haines City, since the company is prohibited from transporting interLATA calls. The witness also asserted that since BellSouth does not know the traffic volumes, it is unable to estimate the cost.

BellSouth's witness Stanley noted that at this time it does not know what effect the new federal legislation will have on its ability to provide a calling plan between Orlando and Haines City. Witness Stanley contended, however, that BellSouth believes that it will be some time before BellSouth will be allowed to compete in the interLATA long distance market. The witness also asserted that then BellSouth will only be allowed to compete under the FCC's guidelines.

#### **GTEFL**

Without interexchange calling data, GTEFL stated that it cannot determine the economic effect of EAS or any Commission-mandated alternative plans, such as extended calling service or measured ECS. GTEFL stated that its LCPs would obviate any need for the Commission to resolve the economic impact question.

GTEFL'S witness Robinson contended that our authority to order EAS or an alternative interLATA plan without traffic data is questionable. Thus, Witness Robinson asserted that GTEFL's response assumes that we can develop a legally acceptable way of reliably measuring community of interest in the absence of toll traffic statistics. The witness then stated that an ECS plan would be designed to be revenue neutral to GTEFL. All access revenue loss combined with new access expense would be added and spread in some fashion to all Haines City customers in a combination of per line additives and current message rates for business. Because these calculations would require additional data from the IXCs, GTEFL stated that it cannot determine monthly line additive levels.

#### **POLO PARK**

Polo Park stated that this economic issue can only be addressed by the telephone companies represented in this docket.

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**SPRINT-UNITED**

Sprint-United asserted that the West Kissimmee, Kissimmee and St. Cloud exchanges would be regrouped from rate group three to rate group four. Sprint-United further stated that there would be an average annual revenue gain of \$253,000, which does not reflect the additional costs incurred for facilities or other administrative costs.

For implementation of ECS, Sprint-United's witness Harrell stated that based on the monthly calling volumes reflected in the traffic studies, the estimated revenue impact to Sprint-United would be a loss of \$218,000. Witness Harrell maintained that with a 50% stimulation the Company's estimated annual revenue loss would be \$124,488. The witness asserted that this figure does not reflect the additional costs incurred for facilities that will need to be constructed or leased and other administrative costs.

**VISTA-UNITED**

Vista-United did not take a position on this issue.

**DETERMINATION**

Upon consideration, we shall require that in implementing ECS on the approved routes, the companies shall rate residential calls at \$.25 per message regardless of duration, and business calls at \$.10 for the first minute and \$.06 for each additional minute. We find that an additive is not necessary.

Furthermore, IXCs may continue to carry the same type of traffic on those routes that they are now authorized to carry. No survey is necessary because only users are affected by the implementation of ECS. In addition, we shall keep this docket open to allow us to consider the feasibility of one-way ECS on the Orlando routes at our May 27, 1998, hearing.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc., GTE Florida Incorporated, and Sprint-United (now Sprint-Florida, Incorporated), shall implement changes in their practices regarding the exchange of customer information for Directory Assistance and Directory Listings within 6 months of the issuance of this Order. It is further

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ORDERED that GTE Florida Incorporated, Sprint-United (now Sprint-Florida, Incorporated) and Vista-United Telecommunications shall implement ECS on the Haines City/Kissimmee route, the Haines City/West Kissimmee route, the Haines City/Lake Buena Vista route, the Haines City/Reedy Creek route, the Haines City/Celebration route, the Haines City(427)/Lake Buena Vista route, the Haines City(427)/Reedy Creek Route, and the Haines City(427)/Celebration route, as set forth herein, within six months from the issuance of this Order. It is further

ORDERED that residential calls shall be rated at \$.25 per message, regardless of duration, and business calls shall be rated at \$.10 for the first minute and \$.06 for each additional minute. It is further

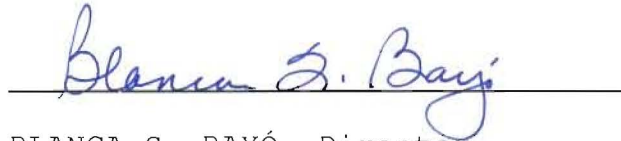
ORDERED that toll relief shall not be granted on the Haines City/Windermere route, the Haines City/Winter Park route, the Haines City/Clermont route, the Haines City/Winter Garden route, the Haines City/St. Cloud route, the Haines City(427)/Windermere route, the Haines City(427)/Winter Park route, the Haines City(427)/Clermont route, the Haines City(427)/Winter Garden route and the Haines City(427)/St. Cloud route. It is further

ORDERED that the provision in this Order requiring BellSouth Telecommunications, Inc., GTE Florida Incorporated, and Sprint-United (now Sprint-Florida, Incorporated) to change their practices with regard to the exchange of customer information for Directory Assistance and Directory Listings, is 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 remain open pending our determination of the feasibility of one-way ECS on the Orlando routes at issue in this Docket.

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By ORDER of the Florida Public Service Commission this 17th  
Day of April, 1998.

A handwritten signature in blue ink, reading "Blanca S. Bayó", is written over a horizontal line.

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.

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 requiring BellSouth Telecommunications, Inc., GTE Florida Incorporated, and Sprint-United (now Sprint-Florida, Incorporated) to change their practices with regard to the exchange of customer information for Directory Assistance and Directory Listings 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

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Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 8, 1998.

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.

Furthermore, 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.