

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution by Holmes
County Board of County
Commissioners for extended area
service in Holmes County.

DOCKET NO. 870248-TL

In re: Request by Gilchrist
County Commissioners for
extended area service throughout
Gilchrist County.

DOCKET NO. 870790-TL

In re: 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. 900039-TL

In re: Resolution by Bradford
County Commission requesting
extended area service within
Bradford County and between
Bradford County, Union County
and Gainesville.

DOCKET NO. 910022-TL

In re: Request by Putnam County
Board of County Commissioners
for extended service between the
Crescent City, Hawthorne, Orange
Springs, and Melrose exchanges,
and the Palatka exchange.

DOCKET NO. 910528-TL

In re: Request by Pasco County
Board of County Commissioners
for extended service between all
Pasco County exchanges.

DOCKET NO. 910529-TL

DOCUMENT NUMBER-DATE

04620 APR 27 88

FPSC-00000000-00000000

ORDER NO. PSC-98-0585-PCO-TL
DOCKETS NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL
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In re: Request for extended
area service between all
exchanges within Volusia County
by Volusia County Council..

DOCKET NO. 911185-TL

In re: Resolution by the Palm
Beach County Board of County
Commissioners for extended area
service between all exchanges in
Palm Beach County.

DOCKET NO. 921193-TL

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-98-0585-PCO-TL
ISSUED: April 27, 1998

ORDER ADDING DOCKET NO. 930173-TL
TO CONSOLIDATED PROCEEDING FOR
HEARING PURPOSES ONLY

The Commission suspended action in a number of dockets pending review of the impact of the Telecommunications Act of 1996 (the Act) on pending requests for interLATA extended area service (EAS) on BellSouth Telecommunications, Inc. (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. On November 18, 1996, the Commission staff conducted a workshop on this matter. After thoroughly reviewing the Act, the issues presented, and the comments filed by the workshop participants, by Order No. PSC-97-

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0622-FOF-TL, issued May 30, 1997, the Commission determined that BellSouth should be relieved of certain requirements set forth in Order No. PSC-96-0557-FOF-TL, because of the Act's impact on BellSouth's ability to carry interLATA traffic.

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 local calling, the Commission has revived action in certain EAS dockets upon which the Commission had not taken final action. The Commission had, however, already made post-hearing decisions in certain dockets. Thus, in order to resolve the dockets identified in this Order, we have scheduled a hearing on May 27, 1998, to consider the feasibility of one-way ECS, since two-way, flat rate, nonoptional EAS is not warranted.

By Order No. PSC-97-1462-PCO-TL, issued November 20, 1997, the procedure for these dockets was established. In addition, for purposes of administrative efficiency, and in view of the fact that the final determination in these dockets is dependent upon the outcome of our hearing, Docket Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, and 921193-TL were consolidated for hearing purposes only.

Thereafter, at our April 7, 1998, Agenda Conference, we made our post-hearing decision in Docket No. 930173-TL. We determined that the routes at issue in that Docket did not demonstrate a sufficient community of interest to warrant surveying for EAS. We did, however, decide that certain routes, including the Orlando


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routes, which are served by BellSouth, warranted ECS. The Orlando routes are interLATA routes; therefore, BellSouth is prohibited from originating ECS traffic on these routes. Thus, we determined that Docket No. 930173-TL should remain open pending the outcome of our determination regarding the feasibility of one-way ECS. In view of our decision at our April 7, 1998, Agenda Conference, Docket No. 930173-TL shall be added to the dockets consolidated for hearing on the issue of the feasibility of one-way ECS. Following the hearing, action taken in any one docket shall be independent of action taken in the other dockets.

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Docket No. 930173-TL is added to the consolidated proceeding that includes Docket Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, and 921193-TL. These dockets are consolidated for hearing purposes only.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 27th Day of April, 1998.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

BK

ORDER NO. PSC-98-0585-PCO-TL
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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, 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.

M E M O R A N D U M

April 24, 1998

RECEIVED

APR 24 1998
3:00
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK MB*

RE: DOCKET NO. 870248-TL - RESOLUTION BY HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE IN HOLMES 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. 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.

DOCKET NO. 910529-TL - REQUEST BY PASCO COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN ALL PASCO COUNTY EXCHANGES.

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.

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.

98-0585-PCD-TL

MUST GO TODAY

13 faxed & mailed

Attached is an ORDER ADDING DOCKET NO. 930173-TL TO CONSOLIDATING DOCKETS FOR HEARING PURPOSES ONLY, to be issued in the above referenced docket. (Number of pages in order - 5)

BK/anr

Attachment

cc: Division of Communications

I: 930173co.bk