

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by residents of Orange)	DOCKET NO. 890362-TL
Springs for extended area service between))	ORDER NO. 22638
Orange Springs and Palatka)	ISSUED: 3-6-90
)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- JOHN T. HERNDON

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

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated by a petition filed with this Commission by the residents of Orange Springs. The petition requested that we consider requiring implementation of extended area service (EAS) between the Orange Springs and Palatka exchanges. The Orange Springs exchange is located in both Marion and Putnam Counties, while the Palatka exchange is located in both Putnam and Clay Counties. The Orange Springs exchange is served by ALLTEL Florida, Inc. (ALLTEL), while Southern Bell Telephone and Telegraph Company (Southern Bell) serves the Palatka exchange. Both companies are subject to regulation by this Commission pursuant to Chapter 364, Florida Statutes.

DOCUMENT NUMBER-DATE
02049 MAR -6 1990
PSC-RECORDS/REPORTING

ORDER NO. 22638
 DOCKET NO. 890362-TL
 PAGE 2

Each of the involved exchanges currently has EAS as follows:

<u>Exchange</u>	<u>Access Lines</u>	<u>EAS Calling Scope</u>
Orange Springs	1,344	Belleview, Citra, Forest, McIntosh, Ocala, Oklawama, Salt Springs, Silver Springs Shores
Palatka	15,199	Florahome, Hastings, Interlachen, Pomona Park, Welaka

By Order No. 21042, issued April 13, 1989, ALLTEL and Southern Bell were directed to conduct traffic studies on the exchanges affected by the petition to determine if a sufficient community of interest existed pursuant to Rule 25-4.060, Florida Administrative Code. In that study, we requested that the companies measure the messages per main and equivalent main station per month (M/M/M) and percentage of subscribers making two (2) or more calls monthly to the exchanges for which EAS was proposed.

In addition to involving intercompany routes, this request also involves interLATA (Local Access Transport Area) routes. ALLTEL's Orange Springs exchange is located in the Gainesville LATA, while Southern Bell's Palatka exchange is located in the Jacksonville LATA. Because of the complexities inherent in completing the necessary traffic studies, ALLTEL requested an extension of time in which to complete and submit the required traffic studies. This extension of time was granted by Order No. 21466, issued June 28, 1989. Subsequently, by Order No. 22228, issued November 27, 1989, the Prehearing Officer granted both companies' requests that the results of these traffic studies be afforded specified confidential treatment, pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes. The Prehearing Officer held the traffic data confidential on the basis that disclosure of the traffic volume on the interLATA routes would aid competitors to the detriment of those long distance carriers presently providing service on the affected routes.

ORDER NO. 22638
DOCKET NO. 890362-TL
PAGE 3

Rule 25-4.060(2)(a), Florida Administrative Code, requires a minimum of 3.00 M/M/Ms, with at least fifty percent (50%) of the exchange subscribers making two (2) or more calls per month to indicate a sufficient community to interest to warrant EAS. The results of the traffic studies indicate that the one-way calling rates between the affected routes fall below this threshold rule requirement. Therefore, none of the routes involved in this request qualify for further consideration of EAS at this time. Accordingly, we announce our intention to deny the petition filed by the residents of Orange Springs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition filed by the residents of Orange Springs requesting extended area service between the Orange Springs and Palatka exchanges is hereby denied. It is further

ORDERED that the effective date of our action described herein is the first working day following the date specified below, if no protest to this Proposed Agency Action is filed within the time-frames set forth below. It is further

ORDERED that if no protest is filed within the time-frames set forth below, this docket shall be closed by the consummating order to be issued in this docket.

By ORDER of the Florida Public Service Commission,
this 6th day of March, 1990.



STEVE TRIBBLE, Director
Director of Records and Reporting

(S E A L)

ABG

ORDER NO. 22638
DOCKET NO. 890362-TL
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 27, 1990.

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, and as reflected in a subsequent order.

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 adversely 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 sewer 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.