

ORIGINAL
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: REQUEST FOR EXTENDED
AREA SERVICE (EAS) THROUGH
GILCHRIST COUNTY.

DOCKET NO. 870790-TL
ORDER NO. 23856
ISSUED: 12-10-90

PETITION ON PROPOSED AGENCY ACTION

THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as GILCHRIST COUNTY, by and through its attorney, THEODORE M. BURT, files this protest of Commission Order No. 23856 issued December 10, 1990, and requests a hearing pursuant to Section 120.57, FL STAT. In support of this Petition, GILCHRIST COUNTY states as follows:

1. In July 1987, GILCHRIST COUNTY requested by resolution that the Florida Public Service Commission study the telephone service being provided to the citizens of Gilchrist County, including those citizens residing in the "Branford area", "Newberry area", and "High Springs area" of Gilchrist County. The citizens in those areas must make long distance calls to governmental offices, including the school board office and the courthouse offices, public facilities, banks and other businesses, relatives and acquaintances, even though these citizens are also permanent residents of Gilchrist County, Florida.

2. GILCHRIST COUNTY was made aware that certain technological methods can be utilized to provide local as opposed to long distance telephone services to such persons living in the different areas of the county. Thus, the Public Service Commission was requested to assist in implementing extended area service to all citizens residing in Gilchrist County, Florida.

3. Since August of 1987, the Florida Public Service Commission, hereinafter referred to as COMMISSION, requested certain traffic studies be made by ALLTEL and SOUTHERN BELL.

DOCUMENT NUMBER-DATE

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REC-RECORDS/REPORTING

4. In September 1989, GILCHRIST COUNTY filed a Motion Requesting Issuance of Proposed Agency Action Order, along with a draft of proposed Agency Action Order Granting County Wide Extended Area Service. The basis for the Motion was prior actions of the COMMISSION in granting extended area service in other situations even though the technical requirement of Rule 25-4.060 are not met. The COMMISSION has the authority to waive the requirements thereof.

5. Because the COMMISSION has waived the technical requirements relating to community of interest pursuant to Rule 25-4.060, Florida Administrative Code, in other applications for extended area service in the State of Florida, GILCHRIST COUNTY asserts that it should not be discriminated against because of the rural nature of the county as well as its lower population and economic status as compared with other counties in the State of Florida.

6. Commission Order No. 23856 is a Notice of Proposed Agency Action denying extended area service between and among all Gilchrist County exchanges.

7. Disputed issues in this docket include, but are not necessarily limited to, the following:

a. The COMMISSION in previous similar cases has waived the sufficiency of community of interest requirements pursuant to Rule 25-4.060, Florida Administrative Code, but has failed to exercise the same waiver as to the application of GILCHRIST COUNTY.

b. The COMMISSION in its Notice of Proposed Agency Action Order has failed to set forth any factors which distinguish the application of GILCHRIST COUNTY from the applications of other counties in which the subject rule has been waived.

c. The Order of the Commission appears to discriminate against GILCHRIST COUNTY because of its lower economic status, rural nature and lower population.

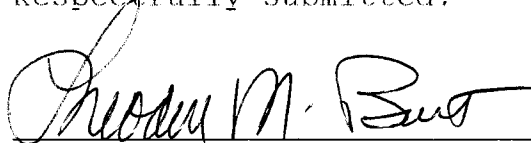
8. The GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS is located at the Gilchrist County Courthouse in Trenton, Florida and its substantial interests are affected by the

subject order in that the order has an adverse economic impact upon the citizens of Gilchrist County which the BOARD OF COUNTY COMMISSIONERS OF GILCHRIST COUNTY represents.

9. GILCHRIST COUNTY received notice of the COMMISSION'S Proposed Agency Action through U.S. Mail Delivery on or about December 12, 1990 at the Office of the Clerk of the Court, Gilchrist County Courthouse with copy also to THEODORE M. BURT, COUNTY ATTORNEY.

WHEREFORE, the BOARD OF COUNTY COMMISSIONERS IN AND FOR GILCHRIST COUNTY, FLORIDA protests the Notice of Proposed Agency Action contained in Commission Order No. 23856 and requests that a hearing be held pursuant to Section 120.57(1), Florida Statutes.

Respectfully submitted.



THEODORE M. BURT
County Attorney
Florida Bar Number 172404
114 Northeast First Street
Post Office Box 308
Trenton, Florida 32693
(904) 463-2348 or 472-4722

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of this Petition was served on the Director, Division of Records and Reporting at 101 East Gaines Street, Tallahassee, Florida 32399-0870 by Express Mail Delivery on this 27th day of December, 1990 and a copy served on those persons listed on Exhibit A attached hereto by U.S. Mail Delivery this 27th day of December, 1990.



THEODORE M. BURT

EXHIBIT A

E. BARLOW KEENER, ESQUIRE
Southern Bell Telephone & Telegraph Company
Museum Tower Building, Suite 1910
150 West Flagler Street
Miami, Florida 33130

DEBRA SCHIRO
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

RICHARD BRASHNEAR
ALLTEL Florida, Inc.
Post Office Box 550
Live Oak, Florida 32060

MICHAEL W. TYE
Senior Attorney
AT&T Communications of the So. States, Inc.
315 South Calhoun Street, Suite 505
Tallahassee, Florida 32301

FLORIDA INTEREXCHANGE CARRIERS ASSOCIATION
c/o Joseph Gillan
Post Office Box 541038
Orlando, Florida 32854-1038

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