

2

Law Offices of  
**THEODORE M. BURT, P.A.**  
114 Northeast First Street  
Post Office Box 308  
Trenton, Florida 32693

Theodore M. Burt, Esq.

(904) 463-2348  
(904) 472-4722

May 30, 1991

Public Service Commission  
Director of Records and Reporting  
101 East Gaines Street  
Tallahassee, Florida 32399-0370

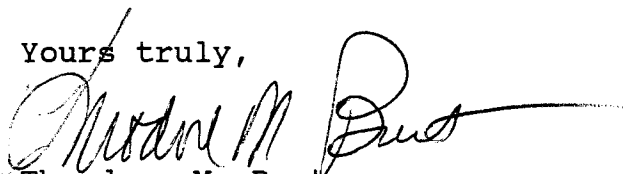
**ORIGINAL  
FILE COPY**

Re: Request for Extended Area Service (EAS)  
Throughout Gilchrist County  
Docket No. 870790-TL  
Order No. 24257

Gentlemen:

Enclosed please find the Prehearing Statement of Gilchrist County, including the original and fifteen (15) copies. Attached to the Prehearing Statement you should find the County's Exhibit which includes a map of the county.

Yours truly,



ACK Theodore M. Burt

AFA TMB/sh

APP \_\_\_\_\_

CAE Enclosures: Prehearing Statements

CMU \_\_\_\_\_

CTR 89-046.006

EAG \_\_\_\_\_

LEG 1

LIN la

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC 1

WAS \_\_\_\_\_

RTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

05482 MAY 31 1991

PRC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Extended Area Service)  
(EAS) throughout Gilchrist County )

Docket No. 870790-TL  
Filed: 04/24/91

**PREHEARING STATEMENT OF GILCHRIST COUNTY**

COMES NOW, GILCHRIST COUNTY, by and through its undersigned attorney, and presents this its Prehearing Statement pursuant to the order of the Commission entered by the Prehearing Officer on or about the 20th day of March, 1991 and states as follows:

A. WITNESSES.

1. Jackie R. Barron, Clerk to the Board and Clerk of the Court, who will testify as to communities of interest, proposal alternatives, economic considerations, and conducting of customer surveys.

2. Charles Watson, a citizen of the County, who formerly worked with Southern Bell, who will testify as to communities of interest, alternative solutions, economic considerations, and customer surveys.

3. Jim Surrency, Assistant School Superintendent, who will testify as to communities of interest and educational considerations.

4. A member or members of the Gilchrist County Commission, who will testify as to communities of interest, proposal alternatives, and economic considerations.

5. Members of the public on related issues.

B. EXHIBITS.

1. The County intends to present an exhibit outlining the

DOCUMENT NUMBER-DATE

05482 MAY 31 1991

RECORDS/REPORTING

County, the exchanges, and the school districts. Primary witnesses associated with this exhibit will be Jackie R. Barron and Jim Surrency.

2. Minutes of County Commission meeting approving Public Service Commission Staff proposal, primary witness - Jackie R. Barron.

C. POSITION.

It is the position of Gilchrist County that extended area service should be provided county wide within Gilchrist County.

D. ISSUES OF FACT.

Facts to be considered and to be presented primarily through the County Commissioners, Clerk of the Court, citizen input, and members of the School Board Staff will relate primarily to communities of interest and economic considerations.

1. What factor should be considered when determining whether a community of interest exists in Gilchrist County?

In determining a community of interest, factors that should be included are the location of medical/emergency facilities, fire/police departments, educational facilities, library facilities, primary business locations, governmental offices, and shopping facilities, as well as implementation of 911.

2. Is there a sufficient community of interest on the toll routes in Gilchrist County to justify implementing either EAS as currently defined in the commission rules or some alternative toll proposal?

Yes, if each pocket exchange within the County was considered

as a community of interest, a survey would show that communities of interest exist among the exchanges and between each exchange and the Trenton exchange. If EAS is not implemented, an alternative toll proposal should be considered. The Gilchrist County Commission has supported the position of five (5) free calls within the county per month, with each additional call above five (5) being billed at twenty five cents per call.

3. Should any proposed EAS plan or toll alternative plan serve only the Gilchrist County pockets of the involved exchanges, or the entire exchanges?

Gilchrist County takes no position on whether the EAS plan or toll alternative plan should involve the entire exchange or only the Gilchrist County pockets. It meets the need of Gilchrist County if only the Gilchrist County pockets are included.

4. What EAS plan or toll alternative plan, if any, should be implemented on the Gilchrist County routes? Should the same plan be implemented in both directions; be optional or non-optional; be one-way or two-way?

It is the position of Gilchrist County that EAS should extend county wide. An alternative is presented in response to Number 2 above. It is the County's position that the plans should be implemented in both directions which would be considered two-way and the County would be interested in hearing alternative proposals as to whether it should be optional or non-optional.

5. What are the specific cost items that should be considered in determining the proper costs of the implementation of EAS? Should the plan the Commission implements permit full

recovery of lost revenues, including implemental costs?

It is the position of Gilchrist County that the toll system in Alachua County in relationship to the 472 exchange be viewed. Residents of the county using the 472 (Newberry) exchange were recently given an option of selecting a plan. In the presentation of that plan, it appeared as though users of the 472 exchange were given access to over 80,000 customer lines at a monthly cost of approximately \$1.10. With that in mind, the County takes the position that the cost of an EAS plan should be absorbed by the telephone companies substantially with costs to the county users being no more than that cost represented by the Newberry exchange which was approximately \$1.10 per customer line.

6. What are the appropriate rates and charges for the plan to be implemented on this route?

See answer to 5 hereinabove.

7. Should the customers be surveyed and if so how should the survey be conducted? If a surveyed customer fails to accept the plan presented to them, what alternative, if any, should be considered?

The customers to be surveyed should be only the residents of Gilchrist County with telephone service because each of the pocket exchanges within the County show a minority in relationship to the entire exchange, a survey of the entire exchange would not be representative of the position of Gilchrist County residents. As discussed above, if the surveyed customers fail to accept an EAS plan throughout the county, the alternative proposal of five (5) free calls per month with each additional call being twenty-five

cents, should be considered.

8. If the Commission orders EAS or toll alternative whereby ALLTEL and Southern Bell do not equally recover costs and lost revenues, should some form of compensation agreement be established between the two companies?

Gilchrist County takes no position on this issue.

9. Can the Commission legally waive its rules pertaining to EAS?

Yes.

10. If the answer to 9 is "Yes" then which rules, if any, should be waived and in what manner and to what extent?

The rule relating to determination of a "Sufficient degree of community of interest between exchanges" should be waived in its entirety.

Note: All of the witnesses of the County, including public input, will testify as to the issues presented.

#### E. QUESTIONS OF LAW.

The primary question of law is the applicability of the rule of the Commission relating to a determination of "Community of Interest" and whether that rule can be waived.

See responses to D-9 and D-10 above.

#### F. STATEMENT OF POLICY QUESTION.

Gilchrist County takes no position at this time.

#### G. STATEMENT OF PARTY'S POSITION.

(d) It is the position of Gilchrist County that a community of interest should be determined for each exchange pocket within the County in relationship to the Trenton exchange as well

as in relationship to each other. In determining a community of interest, factors that should be included are the location of medical/emergency facilities, fire/police departments, educational facilities, library facilities, primary business locations, governmental offices, and shopping facilities, as well as implementation of 911. Of course, each of these considerations involve economic considerations. The County intends that, besides the general public witnesses, the Clerk to the Board, Charles Watson, Jim Surrency, and a commissioner or commissioners will testify.

(e) A primary question of law is an applicable definition of communities of interest within Gilchrist County, and whether the rules of the Commission should and could be waived. It is the County's position that communities of interest should be liberally defined in relationship to the number of toll exchanges within Gilchrist County, especially in light of the small pockets of toll exchanges within the County that definitely have a "community of interest," in relationship to each other and with the primary Trenton exchange. The County anticipates that the witnesses as to these issues will include general public comments, Jackie R. Barron, Clerk to the Board, Charles Watson, a citizen of the county, Jim Surrency, Assistant School Superintendent, and members of the Gilchrist County Commission.

H. STATEMENT OF STIPULATED ISSUES.

See Appendix A attached hereto entitled "List of Issues".

I. STATEMENT OF PENDING MOTIONS.

Gilchrist County has no pending motions.

J. STATEMENT OF NON-COMPLIANCE.

Gilchrist County has no position.

THEODORE M. BURT, P.A.  
Attorneys at Law

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Answers to Interrogatories have been provided to David Erwin, of Mason, Erwin and Horton, P.A. 1311-A Paul Russell Road, #101, Tallahassee, Florida 32301; Harris R. Anthony and E. Barlow Keener, c/o Marshall M. Kriser, III, 150 S. Monroe Street, #400, Tallahassee, Florida 32301; Michael W. Tye, AT&T Communications, 106 East College Avenue #1410, Tallahassee, Florida 32301; Richard H. Brashear, ALLTEL Florida, Inc., Post Office Box 550, Live Oak, Florida 32060; and Angela B. Green, Staff Counsel, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0863 by U.S. Mail Delivery this 30<sup>th</sup> day of May, 1991.

*Theodore M. Burt*  
THEODORE M. BURT



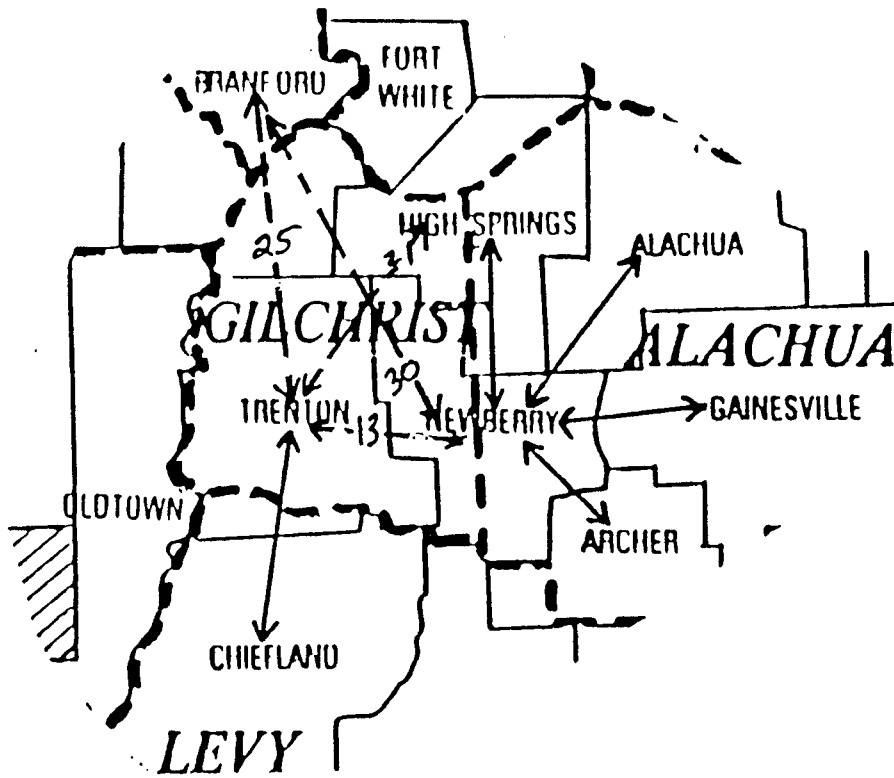
APPENDIX "A"

LIST OF ISSUES

1. What factors should be considered when determining whether a community of interest exists in Gilchrist County?
2. Is there a sufficient community of interest on the toll routes in Gilchrist County to justify implementing either EAS as currently defined in the Commission rules, or some alternative toll proposal?
3. Should any proposed EAS plan or toll alternative plan serve only the Gilchrist County pockets of the involved exchanges, or the entire exchanges?
4. What EAS plan or toll alternative plan, if any, should be implemented on the Gilchrist County routes? Should the same plan be implemented in both directions; be optional or nonoptional; be one-way or two-way?
5. What are the specific cost items that should be considered in determining the proper costs of the implementation of EAS? Should the plan the Commission implements permit full recovery of costs and lost revenues, including incremental costs?
6. What are the appropriate rates and charges for the plan to be implemented on this route?
7. Should the customers be surveyed and if so, how should the survey be conducted? If surveyed customers fail to accept the plan presented to them, what alternative, if any, should be considered?
8. If the Commission orders EAS or a toll alternative whereby ALLTEL and Southern Bell do not equally recover costs and lost revenues, should some form of compensation agreement be established between the two companies?
9. Can the Commission legally waive its own rules pertaining to EAS? (LEGAL ISSUE)
10. If the answer to Issue 9 is "yes," then which rules, if any, should be waived and in what manner and to what extent?

Gilchrist County  
Exhibit 1  
Map  
Witness: J.R. Barron  
Docket No. 870790-TL

MAP OF  
GILCHRIST COUNTY  
INDICATING EXISTING TELEPHONE EXCHANGES  
AND EAS STUDY ROUTES  
AND SCHOOL DISTRICTS



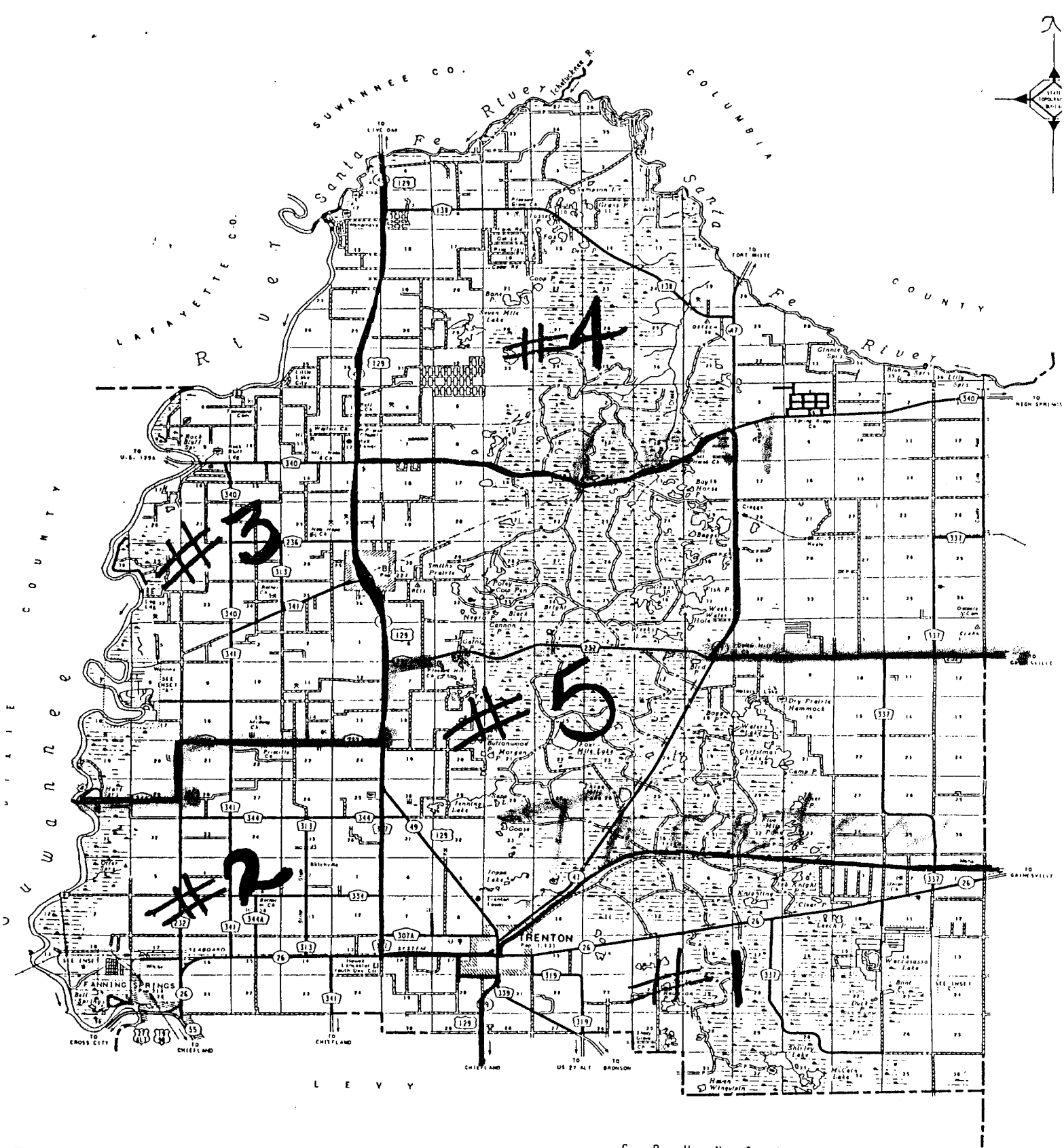
Legend

- ←—————→ Existing EAS
- ← - - - - - → Proposed EAS

67101031

# County Commission Districts School Board

R 14 E      R 15 E      R 16 E



LE V Y

C O U N T Y

Park Board also be approached.

Attorney's Report

Resolution Re: Conveyance of Dixie County Property

Mr. Burt reported to Commissioners he had met with representatives of the Florida Cabinet and been advised the State Board of Trustees has approved Gilchrist County's request to convey certain property inadvertently deeded to the State and located in Dixie County on which Gilchrist County had a claim in 1981. At a later point in the meeting Mr. Burt presented the following Resolution which was moved for approval by Commissioner Sheffield, seconded by Commissioner Philman and carried as follows:

Addy Jones-Yes  
W. B. Mathis, Jr.-Yes  
Jimmie Sheffield-Yes  
Emory Philman-Yes  
Fred Wilkerson-Yes

Resolution No. 91-04

A RESOLUTION REQUESTING CONVEYANCE OF DIXIE COUNTY PROPERTY FROM THE BOARD OF TRUSTEES.

WHEREAS, in or about the year 1981, two individuals in Gilchrist County, Florida posted bail payable to the governor of the State of Florida and when neither party appeared in court, judgements were entered for the State of Florida for the use and benefit of Gilchrist County, Florida to recover the bail amount and cost of court proceedings. Land located in Dixie County, Florida was subsequently seized and put up for sale by public auction, no bids were received and title to the property vested in the State of Florida. Pursuant to paragraph 903.26 (3) (a) Florida Statutes, State and County officials having custody of forfeited money shall deposit the money in County Fine and Forfeiture Fund.

WHEREAS, Gilchrist County has requested that the property be conveyed to it for subsequent sale and distribution of the proceeds as required by law and

WHEREAS, it has been recommended to the Board of Trustees that it Quit-Claim its interest to the county.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners in Gilchrist County, Florida that the Board of Trustees be requested to convey the subject to Gilchrist County, Florida. Said property being described as follows:

The North 100 feet of Lot 10 in Block 1 of Parker's Annex Subdivision, Dixie County, Florida, and the North 100 feet of Lot 9 and the North 100 feet of the East 43.26 feet of Lot 8 in Block 1 of Parker's Annex Subdivision, Dixie County, Florida as per the Official Plat thereof on file and of record in the Office of the Clerk of the Circuit Court of Dixie County, Florida.

RESOLVED by Gilchrist County Board of County Commissioners this 4th day of March, 1991.

/s/ Addy Jones, Chairman

/s/ Jackie R. Barron, Ex-Officio Clerk

Mr. Burt advised he met with the Public Service Commission last week on the matter of extended area service for Gilchrist County. Copy of staff recommendation was provided to board members.

PSC staff has made a proposed settlement of the county's request as follows.

1. Each customer would be entitled to five free calls per month, to

any and all of the exchanges involved. That is, five free calls in total, rather than five free calls to each exchange.

2. After the five free calls, all calls between the Branford, High Springs, Newberry and Trenton exchanges would be rated at \$.25 per message, regardless of message duration.

3. This plan would not be implemented until Alltel has replaced the step-by-step switch in the Branford exchange (presently scheduled for replacement by December 31, 1991.

4. The EOEAS plan available on the Trenton to Gainesville and Newberry route would be retained. The EOEAS plan available on the Newberry-Trenton route would be modified such that the discount toll option would no longer be available.

5. Customers would be advised of the new service via bill stuffer in their next bill after the final order in this docket, and reminded in a bill stuffer the month the plan is cut over.

6. NPATS providers would pay regular local usage charges where measurement is available. Where measurement is not available such calls will be considered local calls and be included in the \$50 flat rate paid by NPATS.

7. All calls that are currently toll will continue to be 1+ calls (as opposed to seven digit dialing).

8. Southern Bell will seek a waiver of the MFJ for the carriage of inter LATA calls on these routes.

Both Alltel and Southern Bell have requested hearings on this recommendation and a pre-hearing is set for July 1st with a final public hearing scheduled July 17th.

Motion was made by Commissioner Sheffield, seconded by Commissioner Philman and agreed to as follows supporting the Public Service Commission Staff's recommendation as outlined.

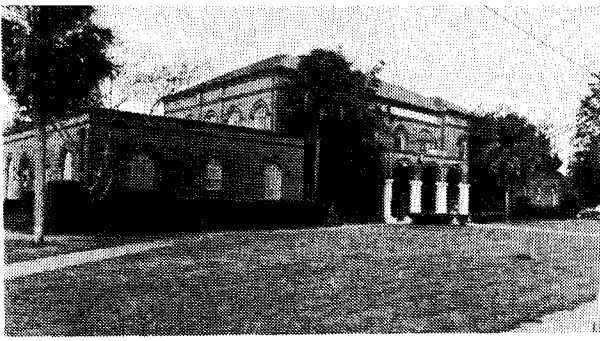
Addy Jones-Yes  
W. B. Mathis, Jr.-Yes  
Jimmie Sheffield-Yes  
Emory Philman-Yes  
Fred Wilkerson-Yes

Sheriff Jim Floyd & Mary Kate Colson, Bookkeeper

Mr. Barron explained to board members a bookkeeping problem that came to light during recent audit being conducted that arose back during a transition period of the prior Sheriff leaving office and Sheriff Jim Floyd taking over and an overlap in budget. There had been an item of insurance that was pre-paid prior to October 1st, beginning of fiscal year for the county, which was paid by the bookkeeper in September for the next fiscal year. In essence this left the Sheriff owing the Board approximately \$10,000. In the transition this situation from the prior Sheriff's administration was never corrected. The money has been accounted for and the Auditors recommend the Board write the money off to satisfy the bookkeeping entry.

Motion was made by Commissioner Sheffield to take action to write off that outstanding item due to the Board in the amount of \$10,766.69 from the Sheriff's budget for fiscal year 1987-88. budget. Commissioner Philman seconded the motion and vote of board members was as follows.

Addy Jones-Yes  
W. B. Mathis, Jr.-Yes  
Jimmie Sheffield-Yes



# Gilchrist County

## Board Of County Commissioners

P. O. Box 37  
Trenton, Florida 32693



Phones: 463-2345  
472-4059  
935-0402

**JIMMIE M. SHEFFIELD**  
Trenton, Florida

**FRED WILKERSON**  
Trenton, Florida

**W. B. MATHIS, JR., Vice Chairman**  
Bell, Florida

**ADDY JONES, Chairman**  
Trenton, Florida

**EMORY PHILMAN**  
Bell, Florida

**JACKIE R. BARRON**  
CLERK OF CIRCUIT COURT

May 30, 1991

**THEODORE M. BURT**  
County Attorney

Regular Meeting  
First Monday

To Whom It May Concern:

I hereby certify that the attached minutes are a true and correct copy of excerpts of the minutes of a regular meeting held March 4, 1991, of the Gilchrist County Board of County Commissioners.

*Jackie R. Barron*  
Ex-Officio Clerk

*By: Glenda Netterson*  
*Deputy Clerk*