

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Gilchrist County ) DOCKET NO. 870790-TL  
Commissioners for extended area service ) ORDER NO. 25340  
throughout Gilchrist County ) ISSUED: 11/13/91  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACCEPTING SETTLEMENT AGREEMENT

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated in response to a resolution filed with this Commission by the Gilchrist County Board of County Commissioners (Gilchrist County). This resolution requested that we consider requiring implementation of extended area service (EAS) throughout Gilchrist County. Four exchanges are affected by this request: Branford, High Springs, Newberry, and Trenton. The Branford and High Springs exchanges are served by ALLTEL Florida, Inc. (ALLTEL), while the Newberry and Trenton exchanges are served by Southern Bell Telephone and Telegraph Company (Southern Bell). In addition to involving intercompany routes, this request also involves interLATA (local access transport area) routes. The Branford and High Springs exchanges are located in the Jacksonville LATA, while the Newberry and Trenton exchanges are located in the Gainesville LATA. Not one of the four exchanges is located exclusively in Gilchrist County.

There has been a substantial amount of activity in this docket since it was first opened in 1987. A review of that history can be found in Orders Nos. 23856 and 24752 and will not be repeated here. Because Gilchrist County had protested our proposal to deny any further EAS in the county, this matter was set for hearing on July 17, 1991, in Bell, Florida. Subsequently, it came to our attention that a number of parties to the docket had entered into negotiations with the goal of resolving all of the issues presented by Gilchrist County's petition. In an attempt to facilitate these

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efforts, we cancelled the scheduled hearing to allow the parties to continue their negotiations.

Subsequently, an agreement was reached between Gilchrist County, ALLTEL, and Southern Bell. The operative portions of this agreement are set forth below:

1. Southern Bell agrees to charge a local message rate of \$.25 per call regardless of the call duration for calls made between Southern Bell's Trenton exchange and Newberry exchange and to treat such calls as local calls.

2. ALLTEL agrees to charge a local message rate of \$.25 per call regardless of the call duration for calls made between ALLTEL's High Springs exchange and Branford exchange and to treat such calls as local calls.

3. Southern Bell will not object to the Commission ordering a local message rate of \$.25 per call to be applied to calls which are currently transported over a LATA boundary from the Trenton exchange to the High Springs or Branford exchange or over a LATA boundary from the Newberry exchange to the Branford exchange. ALLTEL will not object to the Commission ordering a local message rate of \$.25 per call to be applied to calls which are currently transported over a LATA boundary from the High Springs or Branford exchanges to Trenton exchange or over LATA boundary from the Branford exchange to the Newberry exchange. All parties recognize that Southern Bell's ability to provide such service is contingent upon obtaining appropriate relief of the court having jurisdiction over the Modification of Final Judgment ("MFJ"). Southern Bell agrees to use due diligence in seeking a waiver of the MFJ restrictions. The existing rates and services between the Newberry and High Springs exchanges shall remain in effect.

4. It is the intent of Southern Bell and ALLTEL to implement the \$.25 local message rate, if so ordered by the Commission, by July 1, 1992.

5. Southern Bell will discontinue all its Enhanced Optional Extended Area Service ("EOEAS") options in Gilchrist County with the exception of the EOEAS premium

option. Notwithstanding the foregoing, Southern Bell's EOEAS options will continue to be offered to customers in the Trenton exchange for calls made between the Trenton exchange and the Gainesville exchange. All other existing local rates in Gilchrist County will remain in effect. The parties agree that this Agreement shall not preclude ALLTEL, Southern Bell or Gilchrist County from requesting rate relief in the future for any rates associated with the exchanges in Gilchrist County.

6. The parties agree that this Agreement shall not have precedential value for other proceedings and has been entered into solely for the purpose of resolving all disputes regarding the provision of EAS in Gilchrist County.

Upon review of the facts and circumstances surrounding this case, we find it reasonable and appropriate to approve the negotiated settlement agreement in its entirety. Accordingly, calls between Branford and High Springs, Branford and Newberry, Branford and Trenton, High Springs and Trenton, and Newberry and Trenton shall be rated at \$.25 per call, regardless of call duration. These calls shall be furnished on a seven-digit basis. Calls at pay telephones shall be treated as local for both end users and pay telephone providers. ALLTEL and Southern Bell shall implement this calling plan no later than July 1, 1992. Southern Bell shall immediately begin seeking a waiver of the Modified Final Judgment to allow it to carry the traffic on the affected routes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement agreement entered into by the Board of County Commissioners of Gilchrist County, Southern Bell Telephone and Telegraph Company, and ALLTEL Florida, Incorporated for the purpose of resolving the issues in this docket is hereby approved in its entirety. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, our proposed action shall become final and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 13th  
day of NOVEMBER, 1991.

STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

by: Kay Hagan  
Chief, Bureau of Records

ABG

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 12/4/91.

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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 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 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.

M E M O R A N D U M

November 12, 1991

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (GREEN)  
RE: DOCKET NO. 870790-TL

*US TP*  
**25340**

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER ACCEPTING SETTLEMENT AGREEMENT in the above-referenced docket which is ready to be issued.

ABG/mgf  
Attachment  
cc: Division of Communications

870790a.mgf

**12-4-91**

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FORM 1000-108 (REV. 10-1-80)