

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Bonita) DOCKET NO. 910027-TL
Springs residents for Extended) ORDER NO. PSC-92-0608-FOF-TL
Area Service between Bonita) ISSUED: 07/07/92
Springs and the Fort Myers and)
Naples exchanges.)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING WAIVER OF RULE
25-4.040(2), FLORIDA ADMINISTRATIVE CODE

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.

By Order No. PSC-92-0322-FOF-TL, issued May 11, 1992, as amended by Order No. PSC-92-0322A-FOF-TL, issued May 26, 1992, we proposed requiring United Telephone Company of Florida (United or the Company) to implement flat rate, nonoptional, two-way extended area service (EAS) between the Bonita Springs exchange and the Fort Myers, Fort Myers Beach, and Naples exchanges. No protest was filed to our proposed action, so Order No. PSC-92-0322-FOF-TL became final on June 2, 1992. The Order requires United to implement EAS on the affected routes within twelve months, or by June 2, 1993.

On May 14, 1992, United filed a Petition for Waiver of Rule 25-4.040, Florida Administrative Code (Petition). As grounds for its Petition, United asserts that it would like to implement EAS in this docket on June 28, 1992. However, Rule 25-4.040(2) provides in pertinent part that:

When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for

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all published telephone numbers within the local service area.

United states that its Naples directory contains the Bonita Springs listings and has been distributed to the Bonita Springs subscribers. The Naples directory is scheduled to be published again in August, 1992. However, the Company does not have enough copies of its Fort Myers directory (which includes Fort Myers Beach listings but not Bonita Springs listings) to provide one to each Bonita Springs customer and to meet other anticipated demand. The Fort Myers directory is scheduled to be published again in October, 1992. United asserts that publication of additional Fort Myers directories would be prohibitively expensive and that the tape used to publish the directory is no longer available and would have to be reconstructed. United proposes to provide Fort Myers directories to Bonita Springs customers on an as-requested basis until new directories are issued.

For the above reasons, United has requested a waiver of Rule 25-4.040(2), until October 31, 1992, a period of approximately four months. At that time, Bonita Springs customers will have received an August, 1992, Naples directory with all the Naples and Bonita Springs listings, and an October, 1992, Fort Myers directory with all the Fort Myers, Fort Myers Beach, and Bonita Springs listings. These two directories will satisfy the requirements of Rule 25-4.040(2).

Upon consideration, we find it appropriate to grant United's Petition. Granting the requested waiver will provide toll relief to affected customers earlier than required by our Order. Although the Fort Myers directory will not be republished for four months, the Company will provide copies from its stock on an as-requested basis. We believe this is a reasonable compromise and is in the best interests of both the Company and its affected customers.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Waiver of Rule 25-4.040, Florida Administrative Code, filed by United Telephone Company of Florida on May 14, 1992, is hereby granted to the extent outlined in the body of this Order. It is further

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ORDERED that if no proper protest to our proposed action is filed in accordance with the requirements set forth below, this proposed action shall become final. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 7th day of July, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Fern
Chief, Bureau of Records

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

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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 July 28, 1992.

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.