M E M O R A N D U M

December 23, 1992

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (GREEN)

RE: DOCKET NO. 911185-TL

PSC-92-1491-FOF-TL

Attached is a ORDER DENYING IMPLEMENTATION OF EXTENDED AREA SERVICE AND NOTICE OF PROPOSED AGENCY ACTION ORDER REQUIRING IMPLEMENTATION OF ALTERNATIVE TOLL RELIEF PLAN in the above-referenced docket, which is ready to be issued.

ABG/ttl
Attachment
cc: Division of Communications

911185a.ttl

Protests due 1-14-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extended area service between all exchanges within Volusia County by Volusia County Council.	)	DOCKET NO. 911185-TL ORDER NO. PSC-92-1491-FOF-TL ISSUED: 12/24/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER DENYING IMPLEMENTATION OF EXTENDED AREA SERVICE
AND
NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING IMPLEMENTATION OF ALTERNATIVE TOLL RELIEF PLAN

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed in Section II of this Order 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.

I. BACKGROUND

This docket was initiated pursuant to Resolution No. 91-153A filed with this Commission by the County Council of Volusia County. The Resolution requested that we consider requiring implementation of extended area service (EAS) between all exchanges in Volusia County. Volusia County contains the following exchanges or portions of exchanges: Daytona Beach, Debary, Deland, DeLeon Springs, New Smyrna Beach, Oak Hill, Orange City, Pierson, and Sanford.

By Order No. 25675, issued February 3, 1992, we directed BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) and United Telephone Company of Florida (United) to perform traffic studies between these exchanges to determine whether a sufficient community of interest

exists, pursuant to Rule 25-4.060, Florida Administrative Code. All of the exchanges involved in this EAS request are served by Southern Bell, except the Orange City exchange, which is served by United.

In addition to involving intercompany routes, this request also involves interLATA (local access transport area) routes. The Daytona Beach, Deland, DeLeon Springs, New Smyrna Beach, Oak Hill, and Pierson exchanges are located in the Daytona Beach LATA, while the Orange City, Debary, and Sanford exchanges are located in the Orlando LATA. The companies were directed to prepare and submit the traffic studies to us within 60 days of the issuance date of Order No. 25675, making the studies due by April 3, 1992.

On February 26, 1992, Southern Bell filed a Motion for Extension of Time requesting an extension through and including May 4, 1992, in which to prepare and submit the required traffic studies. As grounds for its request, Southern Bell stated that the data processing needed would be very complicated and time consuming, since 59 routes are involved, a number of which require pocket studies. By Order No. PSC-92-0064-PCO-TL, issued March 16, 1992, we granted Southern Bell an extension of time until the close of business on May 4, 1992, in which to prepare and submit the required traffic studies.

On March 17, 1992, United filed a Motion for Extension of Time requesting an extension through and including May 4, 1992, in which to prepare and submit the required traffic studies. As grounds for its request, United stated that it had no record of having received Order No. 25675 and was unaware that traffic studies had been ordered until it received a copy of Southern Bell's Motion for Extension of Time. United then obtained a copy of Order No. 25675 on March 6, 1992. United asserted that it did not anticipate that its requested extension of time would delay the scheduled events in this docket. By Order No. PSC-92-0085-PCO-TL, issued March 23, 1992, we granted United an extension of time until the close of business on May 4, 1992, in which to prepare and submit the required traffic studies.

On May 1, 1992, Southern Bell filed a second Motion for Extension of Time requesting an extension through and including June 4, 1992, in which to prepare and submit the required traffic studies. As grounds for its request, Southern Bell stated that subsequent to receiving the extension of time described above, systematic difficulties arose that caused a further unanticipated

delay in the filing of the traffic studies. Specifically, in October of 1991, Southern Bell's Data Processing Center in Jacksonville, Florida (at which the traffic studies were to be run), was consolidated with several other processing centers to form a Regional Data Center in Miami, Florida. This consolidation involved changes in both the personnel responsible for processing the pertinent data, as well as systematic changes in the manner in which these data are processed. In April of 1992, when Southern Bell undertook the first traffic studies at this new Regional Center, it found that additional time would be needed because of all the changes that had occurred. These factors, combined with the complexity of the studies required in this docket, caused an even greater delay in data processing than first anticipated. By Order No. PSC-92-0471-PCO-TL, issued June 9, 1992, we granted Southern Bell a second extension of time until the close of business on June 4, 1992, in which to prepare and submit the required traffic studies.

Subsequently, both companies filed the required traffic study data, along with Requests for Specified Confidential Classification (Requests) of certain portions of the traffic study data. The Requests were not opposed by any party to this proceeding. Both companies requested specified confidential treatment of data which represents a quantification of traffic along certain routes. Southern Bell's Request involved both intraLATA and interLATA data, while United's Request involved only interLATA data. By Order No. PSC-92-0694-CFO-TL, issued July 22, 1992, we granted both Requests for a period of 18 months from the issuance date of the Order.

By Order No. PSC-92-0982-FOF-TL, issued September 11, 1992, we proposed requiring Southern Bell to survey its customers in the New Smyrna Beach exchange for nonoptional, flat rate, two-way toll free calling between the New Smyrna Beach and Daytona Beach exchanges under the 25/25 plan with regrouping. In addition, we proposed requiring Southern Bell and United to implement the $.25 message rate plan between a number of other exchanges in this docket. No protest was filed to our proposal, so Order No. PSC-92-0982-FOF-TL became final on October 5, 1992.

II. SURVEY RESULTS

In accordance with our directive, Southern Bell proceeded to survey its customers in the New Smyrna Beach exchange for EAS to and from the Daytona Beach exchange. The results of the survey are set forth below.

	Number	Percent
Ballots Mailed	25,262	100.00%
Ballots Returned	13,753	54.44%
Ballots Not Returned	11,509	45.56%
For EAS	5,937	23.50%
Against EAS	7,779	30.79%
Invalid Ballots	59	.23%
Ballots Need to Pass	12,632	50% + 1

In order for the survey to pass, we required a margin of 50% plus one favorable vote out of all the customers eligible to vote. As the table above shows, the survey has failed. Therefore, we shall not require Southern Bell to implement the EAS plan contemplated by Order No. PSC-92-0982-FOF-TL. We note that even if the revised EAS voting rule had been in effect for this survey, the survey would have failed under the revised rule, as well.

III. ALTERNATIVE TOLL RELIEF PLAN

The route at issue in this Order qualified for consideration for traditional EAS under our rules, but the survey of subscribers has failed. In cases where calling rates and community of interest factors were not sufficient to warrant traditional EAS or where customer surveys have not passed, we have considered requiring other forms of toll relief to be implemented. The specific plan has generally been dependent upon the traffic volumes on the routes under consideration.

Upon consideration, we hereby propose requiring Southern Bell to implement the $.25 message rate plan between the New Smyrna Beach and Daytona Beach exchanges. This plan shall conform in all respects to the criteria for the $.25 plan set forth in Order No. PSC-92-0982-FOF-TL for various other routes. The $.25 plan shall be implemented on this route simultaneously with implementation of the other routes that have been ordered in this docket. The OEAS (Optional EAS) plan on this route shall be discontinued when the $.25 plan is implemented. However, the OELC (Optional Extended Local Calling) plan shall be continued, because it offers subscribers unlimited two-way calling for a monthly flat rate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the survey required by Order No. PSC-92-0982-FOF-TL has failed and that BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall not be required to implement the extended area service plan contemplated by Order No. PSC-92-0982-FOF-TL. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company shall, within the time frame specified in the body of this Order, implement an alternative toll relief plan in accordance with the terms and conditions set forth in Section II of this Order. It is further

ORDERED that our actions described in Section II of this Order shall become final and this docket shall be closed following expiration of the protest period specified below, if no proper protest to our proposed agency action is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission this 24th day of December, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Flynn
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.

As identified in the body of this order, our action 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 January 14, 1993. In the absence of such a petition, this order shall become effective on the date 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 the relevant portion of 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.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.