

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the Eustis) DOCKET NO. 921269-TL
City Commission requesting) ORDER NO. PSC-93-0461-FOF-TL
extended area service (EAS)) ISSUED: 3/25/93
between the Eustis exchange and)
all exchanges in Orange,)
Seminole, and Volusia Counties.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING REQUEST AS FILED AND
DIRECTING CITY TO REFILE REQUEST

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.

On November 25, 1992, the Eustis City Commission filed Resolution No. 92-44 requesting extended area service (EAS) between the Eustis exchange and all exchanges in Orange, Seminole, and Volusia Counties. This request encompasses 23 routes, three counties, three local access transport areas (LATAs), and two local exchange companies (LECs).

The current EAS rules do not contain any restrictions regarding the number of exchanges that can be requested in an EAS filing; however, the rules do require a sufficient degree of community of interest between exchanges. Normally, the community of interest is determined by the results of a traffic study. Given the magnitude of this EAS request, we do not believe the request is reasonable and, therefore, the request shall be rejected.

It should be noted that we have had EAS requests that contained a large number of routes, but they have typically been for countywide calling within the same county. The Eustis exchange, which is located in Lake County, already has countywide

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calling (with the exception of a small pocket of 300 customers in the Winter Garden exchange).

The purpose of EAS is to provide toll relief to those communities that have exhibited a community of interest with one another, not just a desire to call other exchanges toll-free. In our view, it is doubtful that the Eustis exchange could have a community of interest with 23 exchanges in three other counties. Traffic studies would determine whether there actually is a sufficient community of interest, but we believe it would be a misuse of the LECs' time and revenue to order them to conduct traffic studies on all of these routes. Instead, the Eustis City Commission shall re-evaluate its request and file an amended resolution prioritizing the routes on the basis of community of interest, with an explanation of why they believe a community of interest exists on each requested route.


Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Resolution No. 92-44 filed with this Commission by the Eustis City Commission is hereby denied for the reasons set forth herein. It is further

ORDERED that to receive further consideration of its extended area service request, the Eustis City Commission shall refile its resolution in the manner described in the body of this Order. It is further

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

By ORDER of the Florida Public Service Commission, this 25th day of March, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 April 15, 1993.

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.