

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

April 8, 1993

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS [SHELPER] *HS/SB*
DIVISION OF LEGAL SERVICES [GREEN] *TC*

RE : DOCKET NO. 911185-TL - MOTION FOR EXTENSION OF TIME TO
IMPLEMENT THE \$.25 MESSAGE PLAN BETWEEN DAYTONA BEACH
AND DEBARY, DAYTONA BEACH AND ORANGE CITY, DAYTONA
BEACH AND SANFORD, DEBARY AND DELEON SPRINGS, DEBARY
AND NEW SMYRNA BEACH, DEBARY AND OAK HILL, DEBARY AND
PIERSON, DELEON SPRINGS AND SANFORD, NEW SMYRNA BEACH
AND ORANGE CITY, NEW SMYRNA BEACH AND SANFORD, OAK HILL
AND ORANGE CITY, OAK HILL AND SANFORD, ORANGE CITY AND
PIERSON, AND PIERSON AND SANFORD EXCHANGES BY SOUTHERN
BELL.

AGENDA: APRIL 20, 1993 - CONTROVERSIAL - PARTIES MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\911185.RCM

CASE BACKGROUND

- By Order No. PSC-92-0982-FOF-TL, issued September 11, 1992, in Docket No. 911185-TL, the Commission ordered United Telephone and Southern Bell to implement the \$.25 plan on a total of 24 routes within Volusia County within six months of the date the Order became final (by April 5, 1993).

DOCUMENT NUMBER-DATE

03832 APR-83

FPSC-RECORDS/REPORTING

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- This recommendation will address Southern Bell's Motion for Extension of Time to implement the \$.25 message plan between Daytona Beach/Debary, Daytona Beach/Orange City, Daytona Beach/Sanford, Debary/Deleon Springs, Debary/New Smyrna Beach, Debary/Oak Hill, Debary/Pierson, DeLeon Springs/Sanford, New Smyrna Beach/Orange City, New Smyrna Beach/Sanford, Oak Hill/Orange City, Oak Hill/Sanford, Orange City/Pierson, and Pierson/Sanford.

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DISCUSSION OF ISSUES

ISSUE 1: Should Southern Bell's Motion for Extension of Time to implement the \$.25 message plan between the following routes be granted?

ROUTES

Daytona Beach/Debary	DeLeon Springs/Sanford
Daytona Beach/Orange City	New Smyrna Beach/Orange City
Daytona Beach/Sanford	New Smyrna Beach/Sanford
Debary/DeLeon Springs	Oak Hill/Orange City
Debary/New Smyrna Beach	Oak Hill/Sanford
Debary/Oak Hill	Orange City/Pierson
Debary/Pierson	Pierson/Sanford

RECOMMENDATION: Yes, Southern Bell's Motion for Extension of Time to implement the \$.25 message plan on the routes listed above should be granted. Staff further recommends that the implementation date be set for 120 days after the MFJ waiver is obtained. In the event that the MFJ waiver is denied, this docket will need to be readdressed by the Commission.

STAFF ANALYSIS: On March 19, 1993, Southern Bell filed a Motion for Extension of Time in which to implement the \$.25 message plan on the routes listed above. Southern Bell states that it has filed the Motions with the District Court for a waiver of the Modified Final Judgment, but at the time of this Motion it had not obtained a waiver. The Company contends that it cannot lawfully implement the \$.25 message plan on the interLATA routes without the MFJ waiver and requests that the implementation date of the routes listed above be postponed until 120 days after the MFJ waiver is obtained.

On September 18, 1992, the Commission received notice that the Department of Justice (DOJ) had filed a recommendation to deny Southern Bell's requests for waiver of the MFJ for the routes in seven (7) dockets (870790-TL, 891246-TL, 900039-TL, 910022-TL, 910029-TL, 910528-TL, 910529-TL). These dockets include the following routes: Graceville/Ponce DeLeon, Graceville/Defuniak Springs, Sanford/Deland, Orlando/Mt. Dora, Trenton/Branford, Trenton/High Springs, Newberry/Branford, Lawtey/Gainesville, Raiford/Gainesville, Starke/Gainesville, Hawthorne/Interlachen, Hawthorne/Palatka, Keystone Heights/Palatka, Melrose/Palatka, Orange Springs/Palatka, Keystone Heights/Florahome, and Brooksville to Hudson.

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The Commission has filed a pleading with Judge Greene objecting to DOJ's recommendation. In addition, at the March 16, 1993 agenda, the Commission directed staff to express our concerns regarding the pending MFJ waivers. Appeals is drafting a Motion for Expedition of Decision to the U.S. District court, and a letter to the Department of Justice.

This process could be time-consuming and staff cannot estimate when the Judge will take action on this matter. Therefore, staff recommends that Southern Bell's Motions for Extension of Time to implement the \$.25 message plan on the routes listed above be granted. Staff further recommends that the implementation date be set for 120 days after the MFJ waiver is obtained. In the event that the MFJ waiver is denied, staff will readdress this docket and bring a recommendation before the Commission.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, with the adoption of staff's recommendation in Issue 1, this docket should be closed. In the event that Southern Bell's MFJ waiver requests are denied, this docket will need to be readdressed by the Commission.

STAFF ANALYSIS: With the adoption of Issue 1, this docket should be closed. In the event that Southern Bell's MFJ waiver requests are denied, staff will bring this docket back before the Commission.

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