

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by the) DOCKET NO. 921090-TL
subscribers in the Immokalee) ORDER NO. PSC-93-0731-FOF-TL
exchange for extended area) ISSUED: May 13, 1993
service to the Naples exchange)
of UNITED TELEPHONE COMPANY OF)
FLORIDA.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING REQUEST FOR EXTENDED AREA SERVICE

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 pursuant to a petition filed on October 15, 1992, by subscribers in the Immokalee exchange requesting extended area service (EAS) to the Naples exchange. The Immokalee and Naples exchanges are served by United Telephone Company of Florida (United) and are located in the Fort Myers Market Area. By Order No. PSC-92-1401-PCO-TL, issued December 2, 1992, the Company was directed to conduct traffic studies on this route.

However, the Immokalee to Naples route was reviewed in Docket No. 910980-TL, the United rate case, where we voted to implement the \$.25 plan on this route. The \$.25 plan was subsequently implemented on November 14, 1992. Rule 25-4.059, Florida Administrative Code, states that if a determination has been made by the Commission for EAS or an alternative toll relief plan on a specific route, then that route will not be reviewed more frequently than once in any three-year period. Accordingly, since a determination was made on this route in Docket No. 910980-TL,

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Rule 25-4.059 directs that no further action shall be taken on this route at this time.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition filed on October 15, 1992, by the Immokalee subscribers requesting extended area service to the Naples exchange is hereby denied for the reasons set forth herein. 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 13th day of May, 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

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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 June 3, 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.