

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of) DOCKET NO. 930172-TL
Boca Grande requesting extended) ORDER NO. PSC-93-1802-FOF-TL
area service (EAS) between Boca) ISSUED: December 20, 1993
Grande and North Ft. Myers,)
North Port, Venice, Englewood,)
Pine Island, North Cape Coral)
and Cape Coral)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REGARDING 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 by the Gasparilla Island Conservation and Improvement Association on behalf of the subscribers of Boca Grande for extended area service (EAS) to the Fort Myers, Punta Gorda, Port Charlotte, Cape Haze, Englewood, North Port and Venice exchanges. The North Fort Myers, Pine Island, North Cape Coral, and Cape Coral exchanges were also included to avoid leapfrogging exchanges. The Punta Gorda, Port Charlotte and Cape Haze exchanges, which were requested by the petitioners, were not included in this docket since they have been reviewed by the Commission within the last three years. The Boca Grande, Fort Myers, North Fort Myers, Pine Island, North Cape Coral and Cape Coral exchanges are located in the Fort Myers Market Area and are provided service by United. GTEFL provides service to the North Port, Venice and Englewood exchanges which are located in the Tampa Market Area. Three of the requested routes are interLATA (Boca Grande/North Port, Boca Grande/ Venice and Boca Grande/Englewood).

Several Orders have been issued in this docket: by Order No. PSC-93-0416-FOF-TL, issued March 17, 1993, we required United

APPROVED AND FORWARDED: DATE

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Telephone and GTEFL to conduct traffic studies on these routes; by Order No. PSC-93-1072-CFO-TL, issued July 26, 1992, we granted GTEFL's request for confidential treatment of specific data provided in the traffic study; and by Order No. PSC-93-1074-CFO-TL, issued July 26, 1992, we granted United Telephone's request for confidential treatment of specific data provided in the traffic study. Because the calling volumes for the toll routes at issue in this docket have been granted confidential treatment, the actual calling rates for these routes have not been presented in this Order.

Rule 25-4.060(2), Florida Administrative Code, requires a calling rate of at least three M/A/M's (Messages per Access Line per Month) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is desired. This Rule further requires that at least 50% of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS. None of the following routes met these requirements:

Boca Grande/Fort Myers	Boca Grande/Cape Coral
Boca Grande/North Fort Myers	Boca Grande/North Port
Boca Grande/Pine Island	Boca Grande/Englewood
Boca Grande/North Cape Coral	Boca Grande/Venice

Although the Boca Grande/Englewood interLATA route has calling rates and distribution factors consistent with other interLATA routes which we have identified as warranting an alternative toll plan, we find that no determination shall be made on this route at this time. The route is an interLATA route involving GTEFL and requires a waiver of GTEFL's Consent Decree from Judge Greene before GTEFL can carry the traffic. The Boca Grande/Englewood route shall be considered once an appropriate interLATA alternative toll plan is developed in the current EAS rulemaking docket (930220-TL) and generic EAS investigation.

The calling rates and distribution on the remaining routes listed above do not exhibit a sufficient community of interest to warrant an alternative toll plan.

Rule 25-4.059 (1), Florida Administrative Code provides that:

a determination by the Commission of the need for establishment of a particular Extended Area Service or other toll alternative arrangement shall not be undertaken more frequently than once in any three year period.

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Because we have undertaken consideration of EAS within the past three years for the Boca Grande/Cape Haze, Boca Grande/Port Charlotte, Boca Grande/Punta Gorda routes, no action shall be taken on those routes at this time.¹

Therefore, it is

ORDERED by the Florida Public Service Commission that the calling rates on the toll routes listed below do not qualify for nonoptional, flat rate, two-way EAS:

Boca Grande/Fort Myers	Boca Grande/Cape Coral
Boca Grande/North Fort Myers	Boca Grande/North Port
Boca Grande/Pine Island	Boca Grande/Englewood
Boca Grande/North Cape Coral	Boca Grande/Venice

It is further,

ORDERED that an alternative toll plan shall be considered for the Boca Grande/Englewood route after we conclude our generic EAS investigation. It is further,

ORDERED that because EAS determinations have been made within the last three years, pursuant to Rule 25-4.059 (1), Florida Administrative Code, no action shall be taken on the following routes at this time:

Boca Grande/Cape Haze
Boca Grande/Port Charlotte
Boca Grande/Punta Gorda

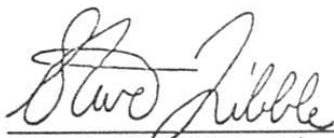
It is further,

ORDERED that this docket shall be closed at the conclusion of the Proposed Agency Action protest period which is set forth below, assuming no timely protest is received.

¹A determination was made on the Boca Grande/Cape Haze route which resulted in the \$.25 message rate being implemented on August 24, 1991. (Order No. 24595, issued on May 29, 1991, in Docket No. 891238-TL) A determination was made on the Boca Grande/Port Charlotte and Boca Grande/Punta Gorda routes at which time the Commission denied Charlotte County's request because of insufficient traffic. (Order No. PSC-93-0732-TL, issued on May 13, 1993, in Docket No 920666-TL)

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By ORDER of the Florida Public Service Commission, this 20th
day of December, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 January 10, 1994.

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.

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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.