

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by the Lake) DOCKET NO. 930234-TL
County Board of Commissioners) ORDER NO. PSC-94-1379-FOF-TL
for extended area service (EAS)) ISSUED: November 14, 1994
between the Mt. Dora exchange)
and the Sanford, Geneva and)
Oviedo Exchanges)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was initiated pursuant to Resolution No. 1993-21 filed by the Lake County Board of County Commissioners requesting extended area service (EAS) between the Mt. Dora exchange and the Sanford, Orlando and other exchanges in the adjacent Seminole County area. BellSouth Communications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) serves the Sanford, Geneva, and Oviedo exchanges. The Mt. Dora exchange is served by United Telephone Company of Florida (United). The Sanford, Geneva and Oviedo exchanges are located within the Orlando LATA (local access transport area) and the Mt. Dora exchange is in the Gainesville LATA.

Upon review of the resolution, it was determined that the Geneva and Oviedo exchanges should also be included in the EAS request. Since the Mt. Dora/Orlando route, which was requested in the resolution, has been studied within the past three years in Docket No. 900038-TL, it was not included in the traffic study in accordance with Rule 25-4.059(1), Florida Administrative Code. We ordered the \$.25 plan on this interLATA route which was

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subsequently denied by Judge Greene of the United States District Court. This route will be reviewed again after the EAS rules are completed in Docket No. 930220-TL.

By Order No. PSC-93-0464-PCO-TL, issued March 26, 1993, we required the companies to conduct traffic studies on these routes.

By Order No. PSC-93-1168-FOF-TL, issued August 10, 1993, partially modified Order No. PSC-94-0464-PCO-TL. We granted Southern Bell's Motion for Stay to relieve it from the requirement of conducting traffic studies on the interLATA routes in this docket, because the Company no longer performs recording and rating of interLATA calls for AT&T Communications of the Southern States, Inc. (ATT-C). The issue of how such interLATA traffic data should be gathered is being reviewed in the EAS rulemaking docket.

By Order No. PSC-93-1351-CFO-TL, issued September 15, 1993, we granted United's request for confidential treatment of its interLATA traffic study.

Since the EAS request is from the Mt. Dora exchange (United) into the Sanford, Geneva, and Oviedo exchanges (Southern Bell), the traffic information that was provided by United is the primary study needed. Historically, calling in the reverse direction (Southern Bell's traffic data) would be very low. Therefore, this Order is based on United's traffic study.

Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three (3) Messages per Access Line per Month (M/A/Ms) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which extended area service 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.

Based on the requirements of Rule 25-4.060(3), Florida Administrative Code, we find that none of these toll routes qualified for nonoptional, flat rate, two-way extended area service.

Historically, the Commission has implemented the \$.25 calling plan on routes that did not meet the calling volume and/or distribution requirements but exhibited a substantial showing. Typically, these cases were close to meeting the rule requirements but failed either on the distribution or volume level by a small percentage.

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We find that the calling rates and the distribution on the routes in this docket do not exhibit a sufficient community of interest to warrant any form of toll relief. Therefore, we hold that alternative plans shall not be implemented on these routes.

We are currently reviewing EAS problems, including how interLATA traffic data should be gathered, in Docket No. 930220-TL. After the conclusion of the rulemaking docket, we will decide how the traffic studies for the interLATA routes involving Southern Bell will be conducted.

It is therefore

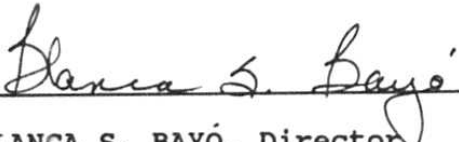
ORDERED by the Florida Public Service Commission that the request by the Lake County Board of County Commissioners for extended area service between the Mt. Dora exchange and the Sanford, Orlando and other exchanges in the adjacent Seminole County area is hereby denied for the reasons set forth in this Order. It is further

ORDERED that no alternative plans shall be offered on the toll routes considered in this docket. It is further

ORDERED that this docket shall remain open pending resolution of Docket No. 930220-TL. It is further

ORDERED that this Order shall become final and effective on the date set forth below if no timely protest is filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 14th day of November, 1994.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DLC

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on December 5, 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.

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 substantially 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.