

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by City of) DOCKET NO. 930978-TL
Fort Meade requesting extended) ORDER NO. PSC-95-0649-FOF-TL
area service (EAS) from Fort) ISSUED: May 25, 1995
Meade to the Lakeland, Winter)
Haven, Wauchula, Zolfo Springs,)
and Mulberry Exchanges.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER WAIVING REQUIREMENTS OF RULE 25-4.040,
FLORIDA ADMINISTRATIVE CODE

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.

By Order No. PSC-94-1018-FOF-TL, issued August 23, 1994, we required United Telephone Company of Florida (United) and GTE Florida Incorporated (GTEFL) to implement nonoptional, two-way, flat rate extended area service (EAS) between the Fort Meade exchange and the Lakeland exchange as soon as possible but not later than twelve months from the issuance date of the order.

On March 27, 1995, GTEFL filed a Motion for Waiver of Commission Rule 25-4.040, Florida Administrative Code, and United filed a Petition for a Waiver of Rule 25-4.040. The companies have planned to implement EAS on the route three months early, on May 13, 1995, which would cause a lag between EAS implementation and publication of the directories. GTEFL's next directory publishing date for the Lakeland exchange is set for December 1995. United's next directory publishing date that includes the Fort Meade exchange is September 1995.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Rule 25-4.040(2), Florida Administrative Code, requires that "when expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area." In the past, this has been interpreted to mean that new, expanded directory listings must be furnished to customers at the time that EAS is implemented. See Order No. PSC-92-0080-FOF-TL, issued March 19, 1992.

GTEFL asserts that the Rule 25-4.040, Florida Administrative Code, does not require directory publications outside of a company's established publishing schedule. GTEFL states that its Lakeland subscribers will be furnished a unified EAS directory, in accordance with the rule, as soon as the directory is published in December. GTEFL further states that EAS implementation cannot be expected to neatly correspond to directory publishing schedules, and thus believes that the lag in publication of the complete directory in this case would not violate the rule. GTEFL also estimates that it would cost \$279,607 to distribute a new directory, not including the costs of purchasing the Fort Meade numbers from United or printing and binding the new directories. GTEFL argues that previously, in Docket No. 920939-TL, it has simply notified the Commission by letter that a directory lag would be associated with EAS implementation. Although this is true, we note that the lag in that case was only about a month; whereas in this case, the lag is six months.

GTEFL states that if a waiver of Rule 25-4.040 is necessary, then it seeks such a waiver for the period between EAS implementation on May 13, 1995 and its next directory publishing date in December. Finally, GTEFL argues that "a waiver (or a ruling that none is needed) will recognize that GTEFL and United should not be penalized for their efforts to expedite implementation of a service for which there is great community demand."

United states that it does not have a sufficient number of copies of the Fort Meade directory in stock to provide one to each customer in the Lakeland exchange. United also estimates that it would cost \$125,000 to recreate and reprint new Fort Meade directories that include the Lakeland listings. This estimate does not include charges for delivering the directories. Therefore, United requests a waiver of Rule 25-4.040 until September 30, 1995, which is a delay of four and a half months. At that time, Fort Meade customers will have received an updated directory containing the Lakeland listings.

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United and GTEFL plan to implement EAS on the route three months early. If the EAS were implemented at the end of the twelve months in August, 1995, there would still be a month's lag between issuance the new directories and a waiver of the rule would be necessary for United. However, we believe that the implementation of the EAS is more important than having the directory for Fort Meade customers available at the time of implementation.

We find that it is appropriate to waive Rule 25-4.040, Florida Administrative Code, for United and GTEFL in this instance, because the benefits of implementation of the flat rate EAS on an expedited basis outweighs the harm of not having the directory listings immediately available. It appears that GTEFL's Lakeland customers will not be significantly affected by the delay in receiving the Fort Meade listings, because they do not pay extra for the EAS and most of the calling is in the other direction. In addition, it is not reasonable for United and GTEFL to incur the large expense of printing directories early. Therefore, we find that the directory requirement of Rule 25-4.040, Florida Administrative Code, shall be waived for both United and GTEFL until the regularly scheduled publishing date of the directories.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the directory requirement of Rule 25-4.040, Florida Administrative Code, shall be waived for GTE Florida Incorporated until the regularly scheduled publishing date of the directories as discussed within the body of this Order. It is further

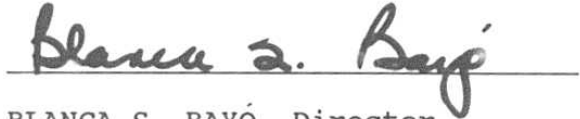
ORDERED that the directory requirement of Rule 25-4.040, Florida Administrative Code, shall be waived for United Telephone Company of Florida until the regularly scheduled publishing date of the directories as discussed within the body of this Order. It is further

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. It is further

ORDERED that if no protest is timely filed according to the requirements set forth below, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 25th
day of May, 1995.



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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 15, 1995.

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.