

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution by Nassau County Commission for Countywide calling within Nassau County.	)	DOCKET NO. 931090-TL
	)	
	)	
In Re: Request by Dade County Commission for countywide calling within Dade County and extended area service (EAS) from all of Dade County to all of Broward County.	)	DOCKET NO. 940567-TL
	)	
	)	
In Re: Request by Broward County Commission for countywide calling within Broward County and extended area service (EAS) from all of Broward County to all of Dade County.	)	DOCKET NO. 940568-TL
	)	ORDER NO. PSC-95-1556-FOF-TL
	)	ISSUED: December 15, 1995
	)	
	)	

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 REGARDING EXTENDED AREA SERVICE

BY THE COMMISSION:

I. Background

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.

We postponed making decisions for these dockets until after the conclusion of the extended area service (EAS) rulemaking docket, Docket No. 930220-TL. This delay was to enable our staff to investigate the problems regarding EAS and to revise the rules.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

One of the areas to review was community of interest factors other than toll traffic data.

Because of the new legislation, Chapter 95-403, Laws of Florida, the EAS rulemaking docket was closed on August 15, 1995. We directed our staff to address the pending EAS dockets grouped together based on subject type such as intraLATA alternative toll plan, interLATA alternative toll plan, pocket situations, interLATA traffic studies, and supplemental community of interest criteria.

By Order No. PSC-94-0616-FOF-TL, in Docket No. 931090-TL, issued May 24, 1994, we deferred the decision regarding countywide calling within Nassau County until after the conclusion of the EAS rulemaking docket.

By Order No. PSC-94-0918-FOF-TL, in Dockets No. 940567-TL and 940568-TL, issued July 26, 1994, we determined, based on the preliminary traffic study, that only five of the 40 routes requested had calling rates meeting the EAS rule. We also determined that the remaining 35 routes did not have M/A/Ms (average messages per access line per month) meeting the EAS rule requirement. Those 35 routes were to be evaluated after the conclusion of the EAS rulemaking docket for an alternative toll plan.

By Order No. PSC-94-0920-FOF-TL, in Dockets No. 940567-TL and 940568-TL, issued July 27, 1994, we required the company to conduct a traffic study on the five routes that met the M/A/M EAS requirement.

By Order No. PSC-95-0061-FOF-TL, in Dockets No. 940567-TL and 940568-TL, issued January 11, 1995, we denied EAS for the five routes. We also stated that no alternative toll plans would be implemented at that time and that those five routes should be evaluated after the conclusion of the EAS rulemaking docket.

This Order addresses the pending EAS dockets for which other community of interest factors other than toll traffic data were to be considered.

## II. Docket No. 931090-TL

This EAS request involves countywide calling within Nassau County. The subscribers in several of the exchanges within Nassau County cannot call their county seat, Fernandina Beach, toll-free. This county also has pocket situations where subscribers cannot call their county seat toll-free.

We directed our staff to reevaluate the intra-county routes involved in this docket after the completion of the EAS rules. The proposed EAS rules would have allowed consideration of other community of interest criteria, such as access to medical facilities, doctors, schools, location of workplace, and governmental offices.

Historically, we have determined a community of interest based on the calling volumes between exchanges as required by Rule 25-4.060(3), Florida Administrative Code. However, Rule 25-4.060(5) permits consideration of other community of interest factors if warranted.

Since the EAS rulemaking docket is closed, we believe that it is appropriate to set this matter for hearing to allow the parties an opportunity to present community of interest criteria that otherwise would not be presented in this case. This is consistent with our decision in Docket No. 941281-TL.

Therefore, this docket shall be set for hearing so that community of interest criteria other than toll traffic data may be presented and considered.

III. Dockets No. 940567-TL and 940568-TL

These dockets involve countywide calling within Dade and Broward Counties, as well as inter-county calling to each other. We directed our staff to reevaluate these 40 routes after the completion of the EAS rules. The proposed EAS rules would have allowed consideration of other community of interest criteria, such as access to medical facilities, doctors, schools, location of workplace, and governmental offices.

We find that no further action shall be taken on these routes because extended calling service (ECS) was approved on September 26, 1995 for all 40 routes in Docket No. 920260-TL. We granted BellSouth Telecommunications, Inc.'s proposal to implement 288 extended calling service (ECS) routes within its territory, of which these 40 routes were included. BellSouth was further directed to implement the 288 routes by January 1, 1996. Accordingly, no further community of interest criteria will be considered on these routes.

Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that Docket No. 931090-TL shall be set for hearing as discussed within the body of this Order. It is further

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ORDERED that no additional community of interest criteria shall be considered for extended calling service in Dockets No. 940567-TL and 940568-TL 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 in the "Notice of Further Proceedings or Judicial Review." It is further

ORDERED that Docket No. 931090-TL shall remain open. It is further

ORDERED that in the event this Order becomes final, Dockets No. 940567-TL and 940568-TL shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of December, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay J. Lynn  
Chief, Bureau of Records

( 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.

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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 January 5, 1996.

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.