

FLORIDA PUBLIC SERVICE COMMISSION  
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

May 30, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (SHELPER) *ASD*  
DIVISION OF LEGAL SERVICES (CANZANO) *Canzano*

RE: DOCKET NO. 960612-TL - RESOLUTION BY THE CITY OF PUNTA  
GORDA FOR EXTENDED AREA SERVICE (EAS) BETWEEN SPECIFIC  
APEAS IN CHARLOTTE COUNTY.

DOCKET NO. 960613-TL - RESOLUTION BY THE CITY OF ORANGE  
CITY FOR EXTENDED AREA SERVICE (EAS) BETWEEN THE ORANGE  
CITY AND ORLANDO EXCHANGES.

DOCKET NO. 960615-TL - RESOLUTION BY CLAY COUNTY BOARD OF  
COMMISSIONERS FOR EXTENDED AREA SERVICE (EAS) BETWEEN  
KINGSLEY LAKE AND THE MIDDLEBURG AND ORANGE PARK  
EXCHANGES; AND EAS BETWEEN KEYSTONE HEIGHTS AND THE  
MIDDLEBURG AND ORANGE PARK EXCHANGES.

DOCKET NO. 960632-TL - REQUEST BY LAKE COUNTY BOARD OF  
COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN THE LADY  
LAKE AREA AND ADJACENT AREAS OF MARION COUNTY.

AGENDA: JUNE 11, 1996 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960612TL.RCM

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CASE BACKGROUND

- On January 29, 1996, the Clay County Board of Commissioners filed Resolution No. 95/96-26 requesting extended area service (EAS) between Kingsley Lake and the Middleburg and Orange Park exchanges; and between Keystone Heights and the Middleburg and Orange Park exchanges. BellSouth provides service to the Keystone Heights, Middleburg and Orange Park exchanges. United Telephone Company of Florida (United) serves the Kingsley Lake exchange. All of these exchanges are located in the Jacksonville LATA (local access and transport area). Attachment A is a map of the exchanges involved.
- On February 2, 1996, the City of Punta Gorda filed Resolution No. 1134-96 requesting extended area service (EAS) between certain exchanges within Charlotte County. The Port Charlotte, Cape Haze, and Boca Grande exchanges are provided service by United and are located in the Fort Myers Market Area. The Englewood exchange is served by GTE Florida Incorporated (GTEFL) and is located in the Tampa Market Area. Attachment B is a map of the exchanges involved.
- On February 5, 1996, the City of Orange City filed Resolution No. 96-01-03 requesting extended calling service (ECS) between the Orange City and Orlando exchanges. The Orange City exchange is provided service by United, and the Orlando exchange is served by BellSouth. Both exchanges are located in the Orlando LATA. Attachment C is a map of the exchanges involved.
- On May 20, 1996, the Lake County Board of Commissioners filed Resolution No. 1996-78 requesting extended area service (EAS) from the Lady Lake (753) exchange to the Lady Lake (821) and Belleview exchanges. These exchanges are served by United and are located in the Gainesville LATA. Attachment D is a map of the exchanges involved.
- It should be noted that by Order No. PSC-96-0315-FOF-TL, in Docket No. 941145 (Request for EAS from Spruce Creek Subdivision (Belleview exchange) to the Lady Lake (753) and Leesburg exchange), issued February 29, 1996, the Commission ordered United to implement extended calling service (ECS) between the Belleview and Lady Lake (753) exchanges. The Lady Lake (753) exchange already has EAS to the Lady Lake (821) exchange. ECS was implemented on the Belleview/Lady Lake (753) route on May 9, 1996.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission approve the following requests for extended area service:

- 1) Docket No. 960612-TL (Resolution for EAS between specific areas within Charlotte County), filed February 2, 1996;
- 2) Docket No. 960613-TL (Resolution for EAS between Orange City and Orlando), filed February 5, 1996;
- 3) Docket No. 960615-TL (Resolution for EAS between Kingsley Lake and the Middleburg and Orange Park exchanges; and EAS between Keystone Heights and the Middleburg and Orange Park exchanges), filed January 29, 1996;
- 4) Docket No. 960632-TL (Resolution for EAS from the Lady Lake (753) exchange to the Lady Lake (821) and Belleview exchanges), filed May 20, 1996?

**RECOMMENDATION:** No. Any requests for EAS or ECS filed after July 1, 1995, that are implemented become part of non-basic service. Since EAS or ECS requested after July 1, 1995, would become a non-basic service, there is no express statutory authority for the Commission to require the price-regulated LECs to implement EAS or ECS. Thus, whether to implement an EAS or ECS request is a decision for the price-regulated LEC rather than for the Commission.

**STAFF ANALYSIS:** The four resolutions in this recommendation were filed after July 1, 1995. Section 364.02(2), Florida Statutes, states that basic local telecommunications service for a local exchange telecommunications company includes any extended area service (EAS) routes, and extended calling service in existence or ordered by the Commission on or before July 1, 1995. The savings clause in Section 364.385(2), F.S., sets forth the situations in which the old law rather than the new law is applied. Specifically, it provides that all applications for EAS or ECS pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995, and that upon approval, the EAS or ECS routes shall be considered basic services.

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Resolutions and petitions requesting EAS or ECS filed after July 1, 1995, are problematic in light of the revisions to Chapter 364, Florida Statutes. Section 364.385(2), F.S., provides that:

Proceedings including judicial review pending on July 1, 1995, shall be governed by the law as it existed prior to the date on which this section becomes a law. No new proceedings governed by the law as it existed prior to January 1, 1995, shall be initiated after July 1, 1995. Any administrative adjudicatory proceeding which has not progressed to the stage of a hearing by July 1, 1995, may, with the consent of all parties and the commission, be conducted in accordance with the law as it existed prior to January 1, 1996.

Thus, based upon the revisions to Chapter 364, it is staff's position that after July 1, 1995, there can be no new PSC ordered EAS or ECS based on the old law. If EAS or ECS can be implemented after that date, it must be under the terms of the new law. It is clear that requests for EAS or ECS filed after July 1, 1995, that are implemented, if any, become part of non-basic service. Staff believes that since EAS or ECS requested after July 1, 1995, would become a non-basic service, there is no express statutory authority for the Commission to require the price-regulated LECs to implement EAS or ECS. Accordingly, whether to implement an EAS or ECS request is a decision for the price-regulated LEC rather than for the Commission.

This recommendation is consistent with Commission action in Dockets Nos. 951097-TL (EAS between Fernandina Beach and Jacksonville), 951269-TL (EAS - Charlotte County), 960086-TL (EAS from Cherry Lake and Lee to Tallahassee), and 960087-TL (EAS - Orange City to Winter Park and Orlando).

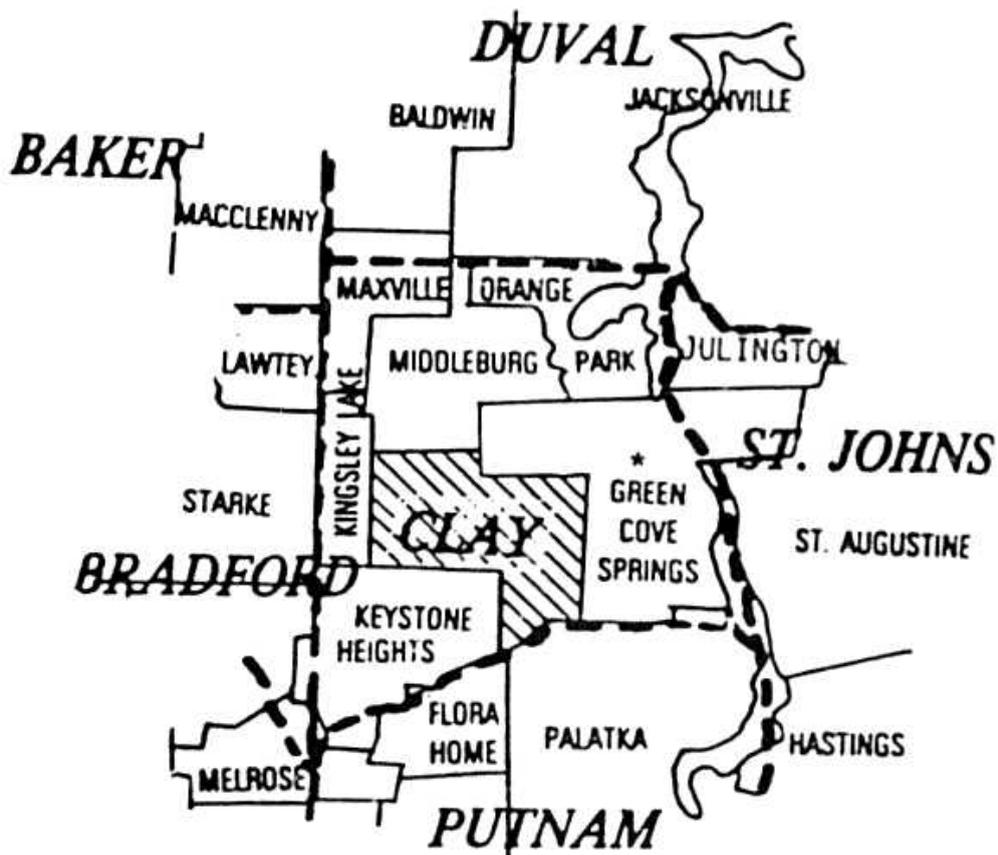
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**ISSUE 2:** Should these dockets be closed?

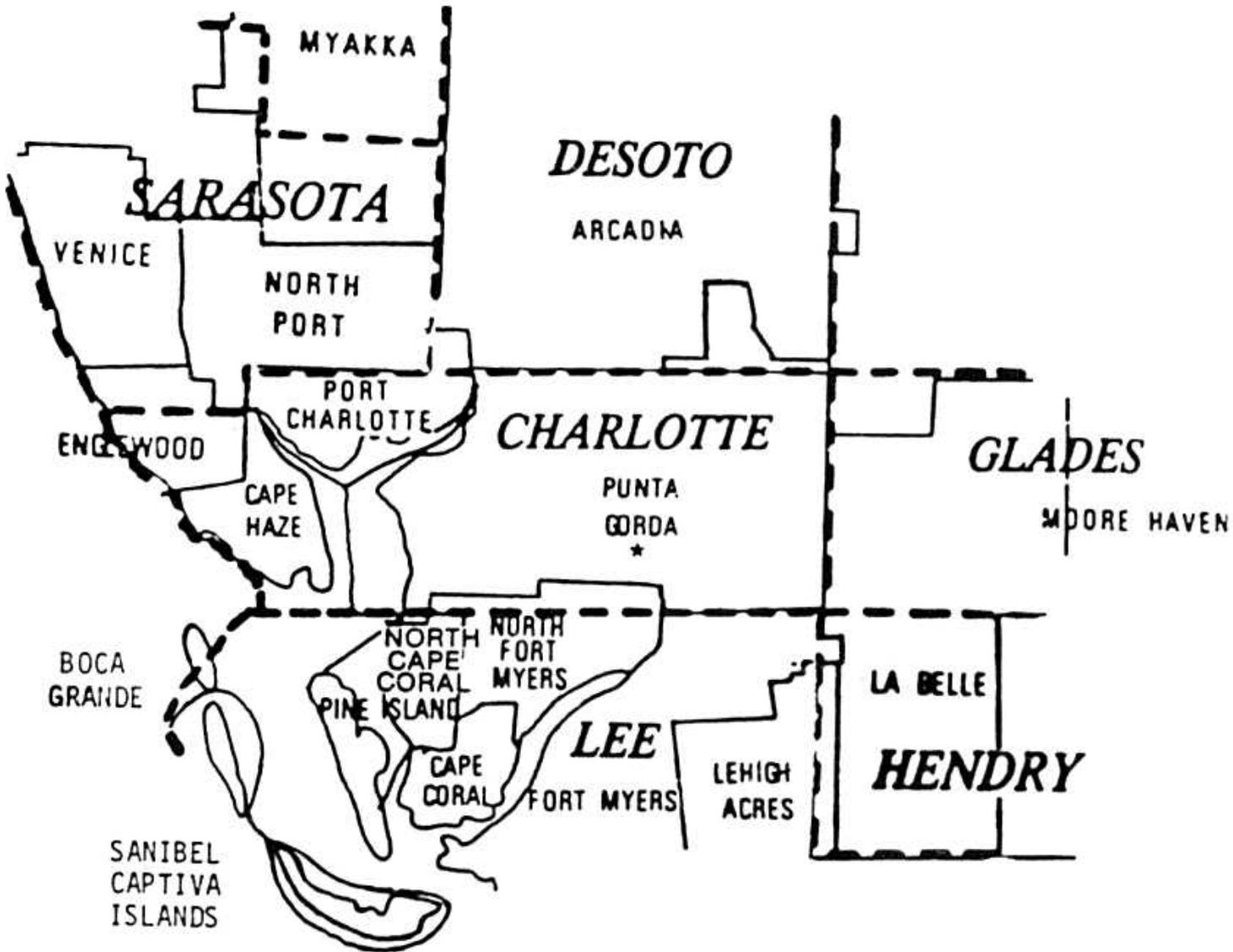
**RECOMMENDATION:** Yes, if no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order from this recommendation, the order shall become final. A protest of the decision in one docket does not prevent the decision as to the other dockets from becoming final.

**STAFF ANALYSIS:** If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the order from this recommendation, the order shall become final. A protest of the decision in one docket does not prevent the decision as to the other dockets from becoming final.

CLAY



CHARLOTTE



SEMINOLE

ATT. C

