

MEMORANDUM

SEPTEMBER 4, 1996

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FPSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CANZANO) *LAB*  
RE: DOCKET NO. 941281-TL - PETITION BY SUBSCRIBERS OF THE *MCB for DC*  
GROVELAND EXCHANGE FOR EXTENDED AREA SERVICE (EAS) TO  
THE ORLANDO, WINTER GARDEN, AND WINDERMERE EXCHANGES.

1124-FDF

Attached is an ORDER GRANTING INTERVENTION, to be issued in  
the above-referenced docket. (Number of pages in Order - 2)

DLE/anr  
Attachment  
cc: Division of Communications  
I: 941281FX.DC

*Forward - 4*  
*Wanted - 1*  
*7235-56*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers ) DOCKET NO. 941281-TL  
of the Groveland exchange for ) ORDER NO. PSC-96-1124-FOF-TL  
extended area service (EAS) to ) ISSUED: September 5, 1996  
the Orlando, Winter Garden, and )  
Windermere exchanges. )  
\_\_\_\_\_ )

ORDER GRANTING INTERVENTION

On November 11, 1994, the subscribers of the Groveland exchange filed a petition requesting extended area service (EAS) to the Orlando exchange. The Winter Garden and Windermere exchanges were included to prevent leapfrogging. The Groveland, Windermere, and Winter Garden exchanges are served by United Telephone company of Florida (United), and the Orlando exchange is served by BellSouth Telecommunications, Inc. (BellSouth). The Groveland exchange is located in the Gainesville local access and transport area (LATA), and the Windermere, Winter Garden and Orlando exchanges are located in the Orlando LATA.

By Order No. PSC-95-0080-PCO-TL, issued January 17, 1995, we ordered United and BellSouth to conduct traffic studies on the proposed EAS routes in this docket. By Order No. PSC-95-0596-FOF-TL, issued May 11, 1995, we granted BellSouth's motion for relief from the requirement to conduct traffic studies.

The routes in this docket did not meet the requirements set forth in Rule 25-4.060(3), Florida Administrative Code, for flat rate, two-way, nonoptional EAS. Because the routes were close to qualifying for EAS, by Order No. PSC-95-0875-FOF-TL, issued July 19, 1995, the Commission set this matter for hearing to consider community of interest criteria. The hearing was held in Groveland on April 18, 1996.

Since the hearing, the Commission has become concerned about several provisions of the federal Telecommunications Act of 1996 (Act). Under Section 271 of the Act, Bell operating companies (BOCs) are prohibited at least from originating interLATA traffic, until they meet certain conditions including a "competitive checklist." Their ability to terminate such traffic is also less than clear.

Accordingly, the Commission ordered the parties in this Docket to brief certain legal issues, which are set forth in Order No. PSC-96-1033-PCO-TL, issued August 8, 1996.

DOCUMENT NUMBER-DATE

09456 SEP-5 96

FPSC-RECORDS/REPORTING

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On July 9, 1996, the Florida Interexchange Carriers Association (FIXCA) filed a petition to intervene. FIXCA asserts that its substantial interests will be affected by the action which the Commission takes in this docket, because its members are current providers of interLATA services. FIXCA points out that this docket was originally opened to consider a petition filed by the Groveland residents for EAS and the Commission held a hearing to consider community of interest criteria. During the pendency of this case, however, the Act took effect, making numerous changes at the state and federal levels that may alter the provision of EAS in the state and thus may affect other interexchange providers. FIXCA recognizes that the hearing has already been held in this case, and seeks to intervene only for the purpose of addressing the new issues raised by Order No. PSC-96-1033-PCO-TL. No parties filed objections to FIXCA's petition to intervene.

Upon review, I grant FIXCA's petition to intervene. FIXCA does not seek intervention to address the issues the Commission entertained at the April 18, 1996 hearing. FIXCA only requests the opportunity to address the legal issues raised by the Commission after the hearing was held. In this respect, FIXCA's intervention petition differs from the post hearing intervention petitions filed in Docket No. 9412762-TL, where the petitioners attempted to intervene to address issues already considered in the hearing. FIXCA's participation shall be limited to the issues identified in Order No. PSC-96-1033-PCO-TL.

Therefore, it is

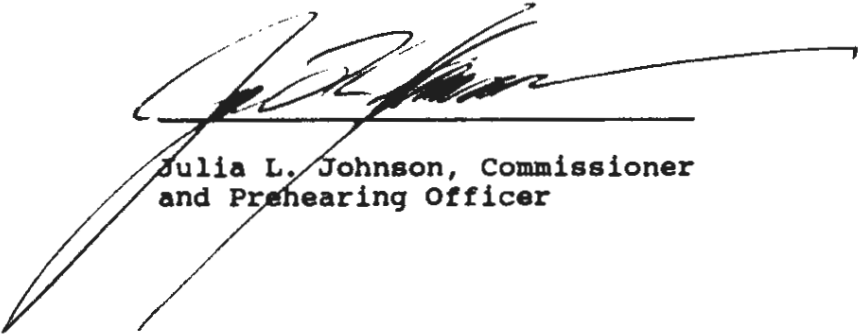
ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the Petition for Leave to Intervene filed by Florida Interexchange Carriers Association, be and the same is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Florida Interexchange Carriers  
Association  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas  
117 South Gadsden Street  
Tallahassee, FL 32301

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By ORDER of Commissioner Julia L. Johnson, as Prehearing  
Officer, this 5th day of September, 1992.



Julia L. Johnson, Commissioner  
and Prehearing Officer

( 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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

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