

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

MEMORANDUM

RECEIVED

October 9, 1997

OCT 09 1997
1:05
FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CULPEPPER) *McB*
DIVISION OF COMMUNICATIONS (SHELPER) *AKD*

RE: DOCKET NO. 930235-TL - RESOLUTION BY THE TAYLOR COUNTY
BOARD OF COMMISSIONERS FOR COUNTYWIDE EXTENDED AREA
SERVICE (EAS) WITHIN TAYLOR COUNTY.

AGENDA: REGULAR AGENDA - OCTOBER 21, 1997
DECISION PRIOR TO HEARING - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\LEG\WP\930235rc.RCM

CASE BACKGROUND

This docket was initiated pursuant to a resolution filed by the Board of County Commissioners of Taylor County on January 29, 1993, requesting extended area service (EAS) between all exchanges in Taylor County. Taylor County contains all or part of the Perry, Keaton Beach, and Cross City exchanges. The Cross City exchange is served by BellSouth Telecommunications, Inc. (BellSouth) and is located in the Gainesville LATA, while the Perry and Keaton Beach exchanges are served by Gulf Telephone Company (Gulf) and are located in the Tallahassee Market Area.

By Order No. PSC-96-0557-FOF-TL, issued April 25, 1996, this matter was set for hearing.

By Order No. PSC-96-1335-FOF-TL, issued November 5, 1996, the Commission ordered staff to conduct a staff workshop in order to

DOCUMENT NUMBER-DATE

10388 OCT-96

FPSC-RECORDS/REPORTING

DOCKET NO. 930235-TL
DATE: OCTOBER 9, 1997

gather additional information and to allow the parties in all affected toll relief dockets an opportunity to participate. Staff conducted the workshop on November 18, 1996, and the participants were asked to file post-workshop comments.

On May 30, 1997, by Order No. PSC-97-0621-FOF-TL, the Commission determined that the Act appeared to prohibit BellSouth from originating interLATA traffic. Furthermore, the Commission found that although a BellSouth affiliate could carry interLATA EAS or ECS traffic, pursuant to Section 364.385(2), Florida Statutes, the Commission would not be able to order such an affiliate to implement what would be considered a basic service because only LECs may be required to provide basic services. The Commission, therefore, ordered that action in this docket be suspended pending a hearing on the issue of whether one-way toll relief was appropriate.

On July 15, 1997, the Federal Communications Commission (FCC) issued Order 97-244 which indicates that the FCC will continue to consider requests for waiver of the LATA boundaries in order to allow the provision of flat-rate, non-optional local calling service.

DISCUSSION OF ISSUES

ISSUE 1: In light of the FCC's July 15, 1997, Order 97-244, should the Commission reset this docket for hearing?

RECOMMENDATION: Yes. FCC Order 97-244 indicates that the FCC will continue to consider requests for waiver of the LATA boundaries in order to allow the provision of flat-rate, non-optional local calling service. In light of the FCC's recent decision, staff recommends that the Commission reset this docket for hearing in order to determine whether there are sufficient community of interest factors to warrant toll relief on the routes at issue.

STAFF ANALYSIS: Because BellSouth was unable to provide interLATA traffic data from its exchange to the other Taylor County exchanges, this docket was set for hearing on community of interest issues by Order No. PSC-96-0557-FOF-TL, issued April 25, 1996. By Order No. PSC-97-0621-FOF-TL, the Commission decided to postpone a hearing in this docket pending its determination of whether one-way interLATA toll relief was feasible. The Commission determined that

DOCKET NO. 930235-TL
DATE: OCTOBER 9, 1997

it was appropriate to suspend further action in this docket because of the Act's provisions prohibiting BOCs from originating interLATA traffic until the BOCs have met the requirements of Section 271 of the Act. In a separate order, Order No. PSC-97-0622-FOF-TL, issued May 30, 1997, the Commission required that the issue of the feasibility of one-way ECS be set for hearing.

On July 15, 1997, the FCC issued Order 97-244. That order addressed several petitions for modification of LATA boundaries to allow Ameritech, Bell Atlantic, BellSouth, Southwestern Bell, and US West to provide expanded local calling service. Therein, the FCC determined that the need for certain expanded local calling routes outweighed any anticompetitive risks, and therefore, it approved 23 of the requests to modify LATA boundaries. In approving these requests, the FCC emphasized that the LATAs were being modified solely to allow the BOCs to offer non-optional, flat rate local calling service. Any other types of service offered between the identified exchanges would still be considered interLATA. See FCC Order 97-244 at ¶ 19. In addition, in Section V of Order 97-244, Future LATA Modification Requests, the FCC set forth specific guidelines to assist BOCs in filing future LATA modification petitions.

In view of the FCC's apparent willingness to continue to consider requests for modification of LATA boundaries to allow BOCs to provide expanded, flat rate, local calling, staff recommends that the Commission reset this docket for hearing.

DOCKET NO. 930235-TL
DATE: OCTOBER 9, 1997

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open pending the outcome of the hearing.

STAFF ANALYSIS: No. If the Commission approves staff's recommendation in Issue 1, this docket should remain open pending the outcome of the hearing.