

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: MAY 20, 1999

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

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *DK CBjcc*
DIVISION OF COMMUNICATIONS (BARRETT, AUDU) *mcb*

RE: DOCKET NO. 870248-TL - RESOLUTION BY HOLMES COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE IN HOLMES COUNTY.

DOCKET NO. 870790-TL - REQUEST BY GILCHRIST COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE THROUGHOUT GILCHRIST COUNTY.

DOCKET NO. 900039-TL - RESOLUTION BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN THE MOUNT DORA EXCHANGE AND THE APOPKA, ORLANDO, WINTER GARDEN, WINTER PARK, EAST ORANGE, REEDY CREEK, WINDERMERE, AND LAKE BUENA VISTA EXCHANGES.

DOCKET NO. 910022-TL - RESOLUTION BY BRADFORD COUNTY COMMISSION REQUESTING EXTENDED AREA SERVICE WITHIN BRADFORD COUNTY AND BETWEEN BRADFORD COUNTY, UNION COUNTY AND GAINESVILLE.

DOCKET NO. 910528-TL - REQUEST BY PUTNAM COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN THE CRESCENT CITY, HAWTHORNE, ORANGE SPRINGS, AND MELROSE EXCHANGES, AND THE PALATKA EXCHANGE.

DOCKET NO. 910529-TL - REQUEST BY PASCO COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN ALL PASCO COUNTY EXCHANGES.

DOCKET NO. 911185-TL - REQUEST FOR EXTENDED AREA SERVICE BETWEEN ALL EXCHANGES WITHIN VOLUSIA COUNTY BY VOLUSIA COUNTY COUNCIL.

DOCUMENT NUMBER-DATE

06394 MAY 20 89

FPSC-RECORDS/REPORTING

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

DOCKET NO. 921193-TL - RESOLUTION BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS FOR EXTENDED AREA SERVICE BETWEEN ALL EXCHANGES IN PALM BEACH COUNTY.

DOCKET NO. 930173-TL - PETITION BY THE RESIDENTS OF POLO PARK REQUESTING EXTENDED AREA SERVICE (EAS) BETWEEN THE HAINES CITY EXCHANGE AND THE ORLANDO, WEST KISSIMMEE, LAKE BUENA VISTA, WINDERMERE, REEDY CREEK, WINTER PARK, CLERMONT, WINTER GARDEN AND ST. CLOUD EXCHANGES.

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

AGENDA: JUNE 1, 1999 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\870248.RCM

CASE BACKGROUND

I. CONSOLIDATED ONE-WAY ECS DOCKETS NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, and 930173-TL

The Commission suspended action in these dockets pending review of the impact of the Telecommunications Act of 1996 (the Act) on outstanding requests for interLATA extended area service (EAS) on BellSouth Telecommunications, Inc. (BellSouth) routes. There was some concern because under Section 271 of the Act, Bell operating companies (BOCs) are prohibited from originating interLATA traffic until the BOCs meet certain conditions. Under Section 271, a BOC may only originate interLATA telecommunications services through a separate and independent affiliate. On November 18, 1996, the Commission staff conducted a workshop on this matter.

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

After thoroughly reviewing the Act, the issues presented, and the comments filed by the workshop participants, by Order No. PSC-97-0622-FOF-TL, issued May 30, 1997, the Commission determined that BellSouth should be relieved of the requirement to seek Federal Communications Commission (FCC) approval to carry the interLATA traffic set forth in Order No. PSC-96-0557-FOF-TL. The Commission also relieved BellSouth of the requirement to implement the BellSouth-to-BellSouth interLATA extended calling service (ECS) routes set forth in Order No. PSC-96-0557-FOF-TL, because of the Act's impact on BellSouth's ability to carry interLATA traffic. The Commission also ordered that Docket Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, and 930173-TL which were in various procedural stages, remain open pending a determination of whether one-way ECS was feasible. By Order No. PSC-97-1462-PCO-TL, Order No. PSC-98-0537-FOF-TL, and Order No. PSC-98-0585-PCO-TL, the dockets identified in this section were consolidated for hearing purposes only.

In the consolidated proceeding, the Commission was to consider and address the feasibility of one-way ECS. At the prehearing, the parties asked that they be allowed to brief the issues in lieu of proceeding with the hearing. The parties also agreed to include in their briefs proposed rates to be charged to the end-user customers and an analysis of their cost of providing service to the customers with and without usage stimulation. This request was confirmed and approved. The briefs were filed on June 17, 1998.

In the consolidated proceeding, community of interest was not addressed because the Commission had already determined, in previous decisions specific to each Docket, that an alternative form of toll relief was warranted. The issues in the consolidated proceeding arose because each of the dockets included interLATA routes in which at least one of the exchanges was served by BellSouth. As explained above, BellSouth may only originate interLATA telecommunications services through a separate and independent affiliate in accordance with Section 271 of the Act.

At the August 18, 1998, Agenda Conference, the Commission deferred staff's post-hearing recommendation for staff to determine whether the local exchange companies (LECs) could implement 1+10 digit dialing on the routes involved in these dockets. Staff was also directed to investigate how customers would be made aware that ECS is available to them. In addition, ALLTEL was directed to refile its hearing EXH 1 to reflect the correct cost and revenue

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

information. On September 15, 1998, staff held a workshop on the dialing issue.

The recommendation was again deferred from the November 3, 1998, Agenda Conference to allow staff additional time to discuss possible alternatives methods of providing toll relief with the FCC staff. The result of those discussions is set forth in Section III below.

II. *Taylor County EAS Petition - Docket No. 930235-TL*

In a separate proceeding, initiated by a resolution filed by the Taylor County Board of Commissioners, the Commission considered Taylor County's request for countywide extended area service (EAS) within Taylor County. GTC, Inc. (GTC) provides service to the Keaton Beach and Perry exchanges. BellSouth provides service to the Steinhatchee pocket of Taylor County, which is served out of the Cross City exchange located in Dixie County. The Keaton Beach and Perry exchanges are located in the Tallahassee LATA. The Cross City exchange (Steinhatchee pocket) is located in the Gainesville LATA.

By Order No. PSC-93-1168-FOF-TL, issued August 10, 1993, the Commission relieved BellSouth from its requirement to conduct traffic studies on the interLATA routes at issue in this docket. By Order No. PSC-97-1317-PCO-TL, issued October 23, 1997, the Commission reset this docket for hearing on community of interest issues.

On January 29, 1998, the Commission held a customer and technical hearing in Steinhatchee, Florida. By Order No. PSC-98-0794-FOF-TL, issued June 8, 1998, the Commission determined that there was insufficient evidence of community of interest to warrant surveying the customers for nonoptional EAS. The Commission did, however, express frustration that it was unable to provide some other form of toll relief for these customers. Therefore, the Commission directed staff "to contact the FCC to see if there is any movement on their position of providing ECS on an interLATA basis for BellSouth." Order at p. 8.

III. *Staff's Discussions with the FCC*

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

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

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 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 indication that it would continue to consider future LATA modification petitions, staff believed that there might be hope for relief in many of the outstanding EAS/ECS dockets.

Soon thereafter, by Order No. PSC-97-1309-FOF-TL, issued in Docket No. 941281-TL, on October 22, 1997, the Commission ordered Sprint United-Florida to survey the subscribers of the Groveland exchange for nonoptional, two-way, flat rate, extended area service under the 25/25 plan with regrouping to the Orlando, Winter Garden, and Windermere exchanges because of the FCC's apparent willingness to continue to consider requests for modification of LATA boundaries to allow BOCs to provide expanded local calling. Based on the results of the survey, the Commission required Sprint United-Florida and BellSouth to implement nonoptional, two-way, flat rate EAS between the Groveland exchange and the Orlando, Winter Garden, and Windermere exchanges, and ordered BellSouth to apply to the FCC for a waiver to modify the LATA boundary, by Order No. PSC-98-0308-FOF-TL, issued February 23, 1998. The FCC granted BellSouth's petition for waiver on July 14, 1998. EAS was implemented for these routes on April 30, 1999.

As set forth in the previous section, just a few weeks prior to BellSouth obtaining the waiver from the FCC, the Commission had expressed its frustration that it was unable to provide toll relief on the routes at issue in Docket No. 930235-TL. At the Commission's direction, staff began to review the criteria set forth in FCC Order 97-244 and to discuss with the FCC staff whether the criteria could be applied to routes other than nonoptional two-way EAS routes. BellSouth's success in obtaining a waiver in Docket No. 941281-TL further encouraged staff to find an alternative means of providing relief for the routes in Docket No. 930235-TL, as well as in the outstanding ECS dockets.

In January, 1999, staff presented a proposal to the FCC staff on two-way interLATA ECS. Staff believes that this proposal addresses all of the criteria set forth in FCC Order 97-244, and, therefore, would provide a basis for the FCC to grant BellSouth waivers of the LATA boundaries to implement nonoptional two-way

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

ECS. Staff received a tentative, but favorable, response from the FCC staff in April, 1999. In view of this response, staff recommends that the action set forth below be taken in Dockets Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL, and 930235-TL.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission require the companies to survey the appropriate exchanges for two-way ECS?

RECOMMENDATION: Yes. The Commission should require the companies to survey the subscribers in the exchanges identified in staff's Table I to determine whether the affected customers are in favor of the proposed ECS toll relief plan. The survey should be patterned after the EAS subscriber survey rule, Rule 25-4.063, Florida Administrative Code, with the necessary modifications to reflect that the toll relief proposed is ECS, rather than EAS.

The companies should be required to conduct the survey within 60 days from the date that the Order from this recommendation becomes final. The ballot should identify each exchange to which toll relief has been requested and is an option from the subscriber's exchange. The ballot should explain that the subscriber must select each exchange route upon which the subscriber would like to see toll relief implemented. The ballot should further explain that a \$1.00 minimum charge will be included on the subscriber's local telephone bill for each route upon which toll relief is implemented. As identified in the Exchange to be Balloted column of Table I, staff proposes that both ends of certain, specific routes should be balloted. In such cases, if the ballot passes for that route, the minimum charge should be assessed to the subscribers in the exchange where the ballot results are favorable. If the results for that route are favorable from both exchanges, the minimum charge should be assessed to subscribers in both.

In addition, the survey letter accompanying the ballot should explain that for each route upon which toll relief is implemented, the residential subscriber will be allowed to make 4 calls per month without an extra charge beyond the \$1.00 minimum charge. After 4 calls, the residential subscriber will be assessed \$.25 per call regardless of duration. Businesses are not billed on a per

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

call basis; therefore, the 4 call allowance for residential customers must be translated into terms applicable to a business customer. As such, staff recommends that a business customer be allowed up to \$1.00 worth of usage, before the per minute usage charges are assessed. Beyond the \$1.00 usage allowance, the business subscriber will be charged \$.10 for the first minute and \$.06 for each additional minute. Staff emphasizes that the business customer will still be charged the \$1.00 minimum charge per route, just like the residential customer, regardless of whether the business customer's usage exceeds the \$1.00 usage allowance or not.

Staff also notes that the residential and business allowances should be applicable per route. This would mean that if a customer is in an exchange for which two-way ECS is approved to 3 other exchanges, the residential customer will be allowed up to 4 calls per route before the \$.25 per call charge is assessed, while the business customer will be allowed up to \$1.00 worth of usage per route before the per minute usage charges are assessed. The residential and the business customer would both have a \$3.00 charge added to their local service bill, regardless of whether they used their allowance or not. The survey letter and ballot should be submitted to staff for review prior to distribution to the affected customers.

In order for the survey to pass, the Commission should require that at least 40 percent of the subscribers balloted must respond, and of those responding, a majority must vote in favor of the proposed ECS toll relief plan. In accordance with Rule 25-4.063 (2), Florida Administrative Code, the Commission should specify that the vote should be calculated per exchange for each route, instead of on a consolidated basis. BellSouth should be required to seek a LATA modification from the FCC for those routes that receive favorable survey results. Furthermore, if the proposed ECS toll relief plan is implemented on any of these routes, IXCs should be allowed to continue to carry the same type of traffic on the routes that they are now authorized to carry.

STAFF ANALYSIS: As explained in the Case Background, staff was directed by the Commission to further investigate means of providing relief on interLATA routes where the Commission had previously determined that some toll relief was warranted, but not EAS. After several discussions with the FCC staff and thorough review of FCC Order 97-244, which is discussed in Section III of the Case Background, staff recommends that the Commission require

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

the companies to survey the subscribers in the exchanges identified in staff's Table 1 to determine whether the affected customers are in favor of the proposed ECS toll relief plan. The survey should be patterned after the EAS subscriber survey rule, Rule 25-4.063, Florida Administrative Code, with the necessary modifications to reflect that the toll relief proposed is ECS, rather than EAS.

The companies should be required to conduct the survey within 60 days from the date that the Order from this recommendation becomes final. The ballot should identify each exchange to which toll relief has been requested and is an option from the subscriber's exchange. The ballot should explain that the subscriber must select each exchange route upon which the subscriber would like to see toll relief implemented. The ballot should further explain that a \$1.00 minimum charge will be included on the subscriber's local telephone bill for each route upon which toll relief is implemented. As identified in the Exchange to be Balloted column of Table I, staff proposes that both ends of certain, specific routes should be balloted. In such cases, if the ballot passes for that route, the minimum charge should be assessed to the subscribers in the exchange where the ballot results are favorable. If the results for that route are favorable from both exchanges, the minimum charge should be assessed to subscribers in both.

In addition, the survey letter accompanying the ballot should explain that for each route upon which toll relief is implemented, the residential subscriber will be allowed to make 4 calls per month without an extra charge beyond the \$1.00 minimum charge. After 4 calls, the residential subscriber will be assessed \$.25 per call regardless of duration. Businesses are not billed on a per call basis; therefore, the 4 call allowance for residential customers must be translated into terms applicable to a business customer. As such, staff recommends that a business customer be allowed up to \$1.00 worth of usage, before per minute usage charges are assessed. Beyond the \$1.00 usage allowance, the business subscriber will be charged \$.10 for the first minute and \$.06 for each additional minute. Staff emphasizes that the business customer will still be charged the \$1.00 minimum charge per route, just like the residential customer, regardless of whether the business customer's usage exceeds the \$1.00 usage allowance or not.

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 910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
 930235-TL

DATE: May 20, 1999

is in an exchange for which two-way ECS is approved to 3 other exchanges, the residential customer will be allowed up to 4 calls per route before the \$.25 per call charge is assessed, while the business customer will be allowed up to \$1.00 worth of usage per route before the per minute usage charges are assessed. The residential and the business customer would both have a \$3.00 charge added to their local service bill, regardless of whether they used their allowance or not. The survey letter and ballot should be submitted to staff for review prior to distribution to the affected customers.

In order for the survey to pass, the Commission should require that at least 40 percent of the subscribers balloted must respond, and of those responding, a majority must vote in favor of the proposed ECS toll relief plan. In accordance with Rule 25-4.063 (2), Florida Administrative Code, the Commission should specify that the votes should be calculated per exchange for each route, instead of on a consolidated basis. BellSouth should be required to seek a LATA modification from the FCC for those routes that receive favorable survey results. Furthermore, if the proposed ECS toll relief plan is implemented on any of these routes, IXCs should be allowed to continue to carry the same type of traffic on the routes that they are now authorized to carry.

TABLE I

| <u>DOCKET #</u> | <u>ROUTE</u> | <u>Exchange to Be Balloted</u> | <u>Local Exchange Company(s) involved</u> |
|-----------------|-----------------------------|--------------------------------|---|
| 870248-TL | Graceville/Ponce de Leon | Both | BellSouth and Sprint (Centel) |
| 870248-TL | Graceville/DeFuniak Springs | Both | BellSouth and Sprint (Centel) |
| 870790-TL | Branford/Trenton | Both | ALLTEL and BellSouth |
| 870790-TL | High Springs/Trenton | Both | ALLTEL and BellSouth |

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
 910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
 930235-TL

DATE: May 20, 1999

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|-----------------|-----------------------------------|--------------------------------|---|
| 870790-TL | Branford/Newberry | Both | ALLTEL and BellSouth |
| 900039-TL | Mt. Dora/Orlando | Mt. Dora | Sprint (United) and BellSouth |
| 910022-TL | Lawtey/Gainesville | Lawtey | Sprint (Centel) and BellSouth |
| 910022-TL | Starke/Gainesville | Starke | Sprint (Centel) and BellSouth |
| 910022-TL | Raiford/Gainesville | Raiford | ALLTEL and BellSouth |
| 910528-TL | Interlachen/Hawthorn | Both | ALLTEL and BellSouth |
| 910528-TL | Interlachen/Keystone Heights | Both | ALLTEL and BellSouth |
| 910528-TL | Florahome (659) /Keystone Heights | Florahome (659) | ALLTEL and BellSouth |
| 910528-TL | Florahome (661) /Keystone Heights | Florahome (661) | ALLTEL and BellSouth |
| 910528-TL | Melrose/Palatka | Melrose | ALLTEL and BellSouth |
| 910528-TL | Orange Springs/Palatka | Orange Springs | ALLTEL and BellSouth |
| 910528-TL | Keystone Heights/Palatka | Keystone Heights | BellSouth |
| 910528-TL | Hawthorne/Palatka | Hawthorne | BellSouth |
| 910529-TL | Hudson/Brooksville | Both | GTE and BellSouth |

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
 910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
 930235-TL

DATE: May 20, 1999

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|-----------------|------------------------------|--------------------------------|---|
| 911185-TL | Orange City/Daytona Beach | Orange City | Sprint (United) and BellSouth |
| 911185-TL | Orange City/New Smyrna Beach | Orange City | Sprint (United) and BellSouth |
| 911185-TL | Orange City/Oak Hill | Oak Hill | Sprint (United) and BellSouth |
| 911185-TL | Orange City/Pierson | Pierson | Sprint (United) and BellSouth |
| 911185-TL | Orange City/DeLeon Springs | DeLeon Springs | Sprint (United) and BellSouth |
| 911185-TL | DeBary/Daytona Beach | DeBary | BellSouth |
| 911185-TL | DeBary/New Smyrna Beach | DeBary | BellSouth |
| 911185-TL | DeBary/DeLeon Springs | DeLeon Springs | BellSouth |
| 911185-TL | DeBary/Oak Hill | Oak Hill | BellSouth |
| 911185-TL | DeBary/Pierson | Pierson | BellSouth |
| 911185-TL | Sanford/Daytona Beach | Sanford | BellSouth |
| 911185-TL | Sanford/DeLeon Springs | DeLeon Springs | BellSouth |
| 911185-TL | Sanford/New Smyrna Beach | New Smyrna Beach | BellSouth |
| 911185-TL | Sanford/Oak Hill | Oak Hill | BellSouth |

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
 910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
 930235-TL

DATE: May 20, 1999

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|-----------------|---|--------------------------------|---|
| 911185-TL | Sanford/Pierson | Pierson | BellSouth |
| 911185-TL | (Osteen) ¹ /Daytona Beach | (Osteen) | BellSouth |
| 911185-TL | (Osteen)/DeLeon Springs | Both | BellSouth |
| 911185-TL | (Osteen)/New Smyrna Beach | (Osteen) | BellSouth |
| 911185-TL | (Osteen)/Oak Hill | Both | BellSouth |
| 911185-TL | (Osteen)/Pierson | Both | BellSouth |
| 921193-TL | Clewiston/Belle Glade | Belle Glade | Sprint (United) and BellSouth |
| 930173-TL | Haines City/Orlando | Haines City | GTE and BellSouth |
| 930173-TL | Haines City (427) ² /Orlando | Haines City (427) | GTE and BellSouth |

Staff notes that we have included the Osteen exchange as an exchange to be balloted for Docket No. 911185-TL. This proposed exchange has been added as a result of the Commission's decision at the May 18, 1999, Agenda Conference to approve the Memorandum of Understanding filed in Docket No. 981795-TL, and to ballot the customers that reside in Volusia County but are served from the Sanford exchange. If that survey passes, the Osteen exchange will be created. Staff believes that these customers should be balloted for two-way ECS on the routes indicated in Table I because they

¹Proposed Exchange; see Docket 981795-TL

²Poinciana (427) is a Local Exception Area in the Haines City Exchange.

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL

DATE: May 20, 1999

were part of the Sanford exchange when the Commission made its determination that the routes in Docket No. 911185-TL warranted toll relief based upon the demonstration of community of interest. If, however, the survey conducted in Docket No. 981795-TL does not pass and the Osteen exchange is not created, the companies need not separately ballot the customers that would have been in the proposed Osteen exchange.

Staff's proposal requires that the routes remain open and competitive. Further, given the number of access lines and the volume of traffic at issue, staff does not believe that the proposal will reduce BellSouth's "motivation to open its own market to competition." FCC Order 97-244 at ¶ 14 and ¶ 18. In addition, balloting ensures that there is further documentation of community of interest and that the subscribers' are willing to pay higher monthly rates for toll relief. Because staff's proposal addresses these areas of concern, staff believes that the FCC should grant BellSouth's request for modification of the LATA boundaries for any routes that do meet the survey requirements. Staff recommends, therefore, that the Commission require the companies to survey the routes set forth in Table 1.

Staff further notes that if the Commission denies staff's recommendation in Issue 1, staff plans to refile its post-hearing recommendation that was filed in the consolidated proceeding on October 22, 1998³. In addition, Docket No. 930235-TL should be closed if the Commission denies staff's recommendation in Issue 1, because the Commission has already made its post-hearing decision in that case and no further action will remain to be taken. Docket No. 930235-TL has remained open until now only to allow staff to discuss toll relief alternatives with the FCC in accordance with Order No. PSC-98-0794-FOF-TL.

³In the recommendation filed October 22, 1998, staff recommended, in part, that one-way ECS was appropriate on all routes at issue except the BellSouth to BellSouth routes.

DOCKET NOS. 870248-TL, 870790-TL, 900039-TL, 910022-TL,
910528-TL, 910529-TL, 911185-TL, 921193-TL, 930173-TL,
930235-TL
DATE: May 20, 1999

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon issuance of the consummating order. These dockets should, however, remain open pending the outcome of the customer survey. If the Commission denies staff's recommendation in Issue 1, Dockets Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, and 930173-TL should still remain open in order for staff to refile the post-hearing recommendation for the consolidated One-Way ECS proceeding. In addition, if the Commission denies staff's recommendation in Issue 1, Docket No. 930235-TL should be closed upon issuance of the Order, because the Commission has already made its post-hearing decision in that Docket and no further action remains to be taken.

STAFF ANALYSIS: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final upon issuance of the consummating order. These dockets should, however, remain open pending the outcome of the customer survey. If the Commission denies staff's recommendation in Issue 1, Dockets Nos. 870248-TL, 870790-TL, 900039-TL, 910022-TL, 910528-TL, 910529-TL, 911185-TL, 921193-TL, and 930173-TL should still remain open in order for staff to refile the post-hearing recommendation for the consolidated One-Way ECS proceeding. In addition, if the Commission denies staff's recommendation in Issue 1, Docket No. 930235-TL should be closed upon issuance of the Order, because the Commission has already made its post-hearing decision in that Docket and no further action remains to be taken.