

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by 597 prefix subscribers) DOCKET NO. 900913-TL
for extended area service from Indiantown) ORDER NO. 25241
exchange to Stuart exchange) ISSUED: 10/22/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
MICHAEL MCK. WILSON

ORDER REQUIRING IMPLEMENTATION OF EXTENDED
AREA SERVICE

BY THE COMMISSION:

By Order No. 24607, issued June 3, 1991, we announced our intention to require implementation of extended area service (EAS) between the Indiantown exchange and the Stuart exchange. The Indiantown exchange is served by Indiantown Telephone System, Inc. (Indiantown) and the Stuart exchange is served by Southern Bell Telephone and Telegraph Company (Southern Bell). Both of these exchanges are located in Martin County and lie in the Southeast LATA (local access transport area). Our proposed action in Order No. 24607 became final and effective on June 24, 1991, after expiration of the protest period specified in our Order.

Order No. 24607 required Indiantown to survey the subscribers in the Indiantown exchange for implementation of flat rate, two-way, nonoptional EAS under the 25/25 plan, with regrouping, to and from the Stuart exchange. Subsequently, Indiantown mailed 2,532 ballots to all customers of record in the Indiantown exchange.

1805 or 71.3% of the ballots were returned. 1163 subscribers (45.9%) voted in favor of the EAS plan, while 626 subscribers (24.7%) voted against it. 16 ballots (.6%) were invalid. 727 (28.7%) of the ballots were not returned.

Our rules specify two ways by which an EAS survey may be approved. Rule 25-4.063(5)(a), Florida Administrative Code, requires that fifty-one percent (51%) of all eligible voters respond favorably in order for the survey to pass. The alternate means by which a survey can be approved is found at Rule 25-4.063(5)(b), which provides that a survey will pass where sixty

DOCUMENT NUMBER-DATE

10519 OCT 22 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25241
DOCKET NO. 900913-TL
PAGE 2

percent (60%) of the respondents vote favorably and at least seventy percent (70%) of all eligible voters respond.

By Order No. 24607, we waived Rule 25-4.063(5)(a), choosing to interpret the 51% favorable vote requirement as a simple majority instead. Under this interpretation, a margin of 50% plus one (1) favorable vote (at least 1267 favorable votes) would be required for the survey to pass. Based upon the results shown above, the survey did not pass under subsection (a) of the rule. However, under subsection (b), since 1805 subscribers returned ballots, at least 1083 favorable votes would be required for the survey to pass. Under this alternate provision of the rule, the survey has passed. Accordingly, Indiantown and Southern Bell are hereby directed to take the necessary action to implement the provisions of Order No. 24607, including the filing of appropriate tariff revisions, as soon as possible, but no later than twelve (12) months from the issuance date of this Order, in accordance with the terms and conditions specified in that Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Indiantown Telephone System, Inc. and Southern Bell Telephone and Telegraph Company shall implement extended area service pursuant to the terms set forth herein. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 22nd
day of OCTOBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Hagan
Chief, Bureau of Records

ABG

ORDER NO. 25241
DOCKET NO. 900913-TL
PAGE 3

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 sewer 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 after the issuance 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.

MEMORANDUM

October 21, 1991

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (GREEN)
RE: DOCKET NO. 900913-TL

AS TR

25241

Attached is an ORDER REQUIRING IMPLEMENTATION OF EXTENDED AREA SERVICE in the above-referenced docket, which is ready to be issued.

ABG/mgf
Attachment
cc: Division of Communications

900913a.mgf

DOCUMENT NUMBER-DATE
10519 OCT 22 1991
FPSC-RECORDS/REPORTING