

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of ) DOCKET NO. 941145-TL  
Spruce Creek Subdivision located ) ORDER NO. PSC-96-0315-FOF-TL  
in Belleview exchange requesting ) ISSUED: February 29, 1996  
extended area service (EAS) to )  
Lady Lake (753) and Leesburg )  
exchanges. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING EAS SERVICE AND  
ESTABLISHING ECS SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

On October 12, 1994, the residents of Spruce Creek Subdivision, which is located in the Belleview exchange, filed with this Commission a petition requesting extended area service (EAS) from the Spruce Creek Subdivision to the Lady Lake (753) and Leesburg exchanges. These exchanges are served by United Telephone Company of Florida (United or the Company) and are located in the Gainesville LATA (local access and transport area).

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

We have received several customer letters in support of EAS between the Spruce Creek Subdivision and the Lady Lake (753) and Leesburg exchanges. In addition, the Lake County Board of Commissioners, the developer of Spruce Creek Subdivision, and Citizens National Bank have filed letters in support.

This docket was considered at the August 1, 1995 Agenda Conference. A number of residents from the Spruce Creek Subdivision attended the Agenda Conference and expressed their concern and dissatisfaction with the current calling arrangement. Many of the residents stated that they could not call their doctors or hospital toll-free in neighboring exchanges, specifically Lady Lake 753 and Leesburg. Citizens also expressed concern that the subdivision had grown since the first traffic study was ordered, and it may not have reflected the calling volume of the new residents. In addition, because the area had seasonal residents, there was concern that the April 1995 traffic study did not adequately reflect the normal calling patterns for the area.

By Order No. PSC-95-1062-FOF-TL, issued August 24, 1995, we determined that the calling rates on the Belleview/Lady Lake 753 and Belleview/Leesburg routes did not qualify for a survey for EAS. The Order further required United to conduct additional traffic studies on these routes, with supplemental information for the Spruce Creek subdivision. United was also ordered to submit all information necessary to establish the cost of effecting a boundary change for the Spruce Creek Subdivision.

On November 17, 1995, United filed traffic studies with this Commission. The Company provided traffic studies from two separate months. One traffic study was for November 1994, which was the study month requested by the petitioner, and another for May 1995.

#### EXTENDED AREA SERVICE

Pursuant to Order No. PSC-95-1062-FOF-TL, issued August 24, 1995, United conducted additional traffic studies on these routes to determine if the number of new residents or seasonal residents could have impacted the first traffic study. The calling volumes and distribution factors are listed in Table A and are identified by the study date of each route.

TABLE A

INTEREXCHANGE CALLING RATE					
FROM/TO	STUDY PERIOD AND CALLING RATE M/A/M			STUDY PERIOD AND CUSTOMERS MAKING 2+ CALLS PER MONTH	
Bellevue (Spruce Creek pocket)/Lady Lake (753)	11/94	2.19	M/A/M	11/94	37.00%
	04/95	2.14	"	04/95	37.00
	05/95	2.17	"	05/95	37.00
Bellevue/Lady Lake (753)	10/94	0.74	M/A/M	10/94	10.00%
	11/94	0.77	"	11/94	11.00
	05/95	0.85	"	05/95	11.00
Bellevue (Spruce Creek pocket)/ Leesburg	11/94	2.10	M/A/M	11/94	31.00%
	04/95	2.13	"	04/95	31.00
	05/95	1.85	"	05/95	33.00
Bellevue/Leesburg	10/94	1.03	M/A/M	10/94	13.00%
	11/94	0.98	"	11/94	13.00
	05/95	1.10	"	05/95	14.00
Lady Lake (753)/ Bellevue (Spruce Creek pocket)	11/94	0.22	M/A/M	11/94	03.00%
	04/95	0.20	"	04/95	03.00
	05/95	0.19	"	05/95	03.00
Lady Lake/Bellevue	10/94	1.37	M/A/M	10/94	17.00%
	11/94	1.41	"	11/94	17.00
	05/95	1.44	"	05/95	17.00
Leesburg/Bellevue (Spruce Creek pocket)	11/94	0.09	M/A/M	11/94	01.00%
	04/95	0.07	"	04/95	01.00
	05/95	0.08	"	05/95	01.00
Leesburg/Bellevue	10/94	0.56	M/A/M	10/94	07.00%
	11/94	0.55	"	11/94	07.00
	05/95	0.81	"	05/95	07.00

Section 364.385(2), Florida Statutes (1995), provides that all applications for extended area service, or extended calling service pending before the Commission on March 1, 1995, shall be governed by the law as it existed prior to July 1, 1995. Because this EAS docket was pending prior to March 1, 1995, our existing EAS rules apply. Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three M/A/Ms (Messages per Access Line per Month) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is desired. This rule further requires that at least 50% of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS.

Based on Rule 25-4.060(3), Florida Administrative Code, none of the routes under consideration in this docket meet the M/A/M or

distribution requirements to qualify for two-way, flat rate EAS. Accordingly, we do not find it appropriate to establish extended area service as requested in this petition.

EXTENDED CALLING SERVICE

Rule 25-4.064, Florida Administrative Code, states that when interexchange traffic patterns are such that subscriber needs may be adequately served by alternative service offerings, we may give consideration to alternatives to non-optional extended area service.

Historically, we have considered extended calling service (ECS) on routes that met the calling rate and exhibited a substantial showing on the distribution requirement for extended area service. ECS rates residential calls at \$.25 per call regardless of duration, and business calls at \$.10 for the first minute and \$.06 for each additional minute.

We find it is in the public interest for United to establish ECS for the Belleview/Lady Lake 753 route. United shall implement ECS on this route as soon as possible, but in no event shall United implement ECS later than 6 months from the issue date of this Order. Upon expiration of the protest period, if no timely protest is received from a substantially affected person, this docket shall be closed administratively.

Based on the foregoing, it is

ORDERED that Spruce Creek Subdivision's petition for extended area service from Spruce Creek to the Lady Lake and Leesburg exchanges is hereby denied. It is further

ORDERED that United Telephone Company of Florida shall establish extended calling service from the Belleview to Lady Lake 753 exchange no later than 6 months from the issue date of this Order. The rates shall be as discussed in the body of this Order. It is further

ORDERED that the provisions of this Order are issued as proposed agency action and shall become final, unless an appropriate petition in the form provided by Rule 25-22.029, Florida Administrative Code, is received by the Director of Records and Reporting at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the date set forth in the Notice of Further Proceedings below. It is further

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ORDERED that upon expiration of the protest period, if no timely protest is received from a substantially affected person, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission, this 29th day of February, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

SKE

Chairman Clark dissents from the Commission's decision in this docket.

Commissioner Kiesling dissents from the Commission's decision in this docket with the following statement:

The proposed extended calling service plan is a significant departure from our previously articulated policy and decisions. Further, the utility has had no notice that such a plan would even be considered based on the facts before us.

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 21, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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.