

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of) DOCKET NO. 950701-TL
Marathon exchange for countywide) ORDER NO. PSC-96-0703-FOF-TL
calling within Monroe County.) ISSUED: May 23, 1996
_____)

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 REGARDING EXTENDED AREA 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.

I. Background

This docket was initiated by the residents of the Marathon exchange who filed a petition on March 30, 1995, for countywide extended area service (EAS) within Monroe County. Most of the exchanges in Monroe County, except the Everglades exchange, are provided service by BellSouth Telecommunications, Inc. (BellSouth) and are located in the Southeast LATA (local access and transport area). United Telephone Company of Florida (United) provides service to the Everglades exchange and is located in the Fort Myers Market Area.

II. Extended Area Service

Section 364.385(2), Florida Statutes, 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. Proceedings including judicial review pending on July 1, 1995, shall be governed by the law as it existed prior to the date on which this section becomes law. No new proceedings governed by the law as it existed prior to January 1, 1995, shall be initiated after July 1,

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1995. Any administrative adjudicatory proceeding which has not progressed to the stage of a hearing by July 1, 1995, may, with the consent of all parties and the Commission, be conducted in accordance with the law as it existed prior to January 1, 1996.

Because this request for EAS was filed after March 1, 1995, but before July 1, 1995, and since all of the parties agree to abide by the old law, our existing EAS rules apply. To be considered for balloting for EAS, Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three messages per access line per month (M/A/Ms) 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 percent of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for nonoptional, flat rate, two-way EAS.

Based on Rule 25-4.060(3), Florida Administrative Code, we find that none of the routes met the M/A/M or distribution requirements to qualify for a survey for two-way, flat rate EAS.

III. Alternative Toll Plan

By Order No. PSC-95-1391-FOF-TL, issued November 8, 1995, in Docket No. 920260-TL, the BellSouth rate case, we approved BellSouth's plan to implement extended calling service (ECS) on 288 of its routes, including all of its toll routes within Monroe County. The decision in Docket No. 920260-TL is on appeal at the Florida Supreme Court. Except for the Everglades exchange, which is in United's territory, Monroe County has EAS or ECS countywide.

Generally, we have required implementation of alternative toll plans when the traffic study indicated that the calling volumes met the 3 M/A/M requirement and were close to meeting the 50% distribution requirement. The calling rates on the routes involving the Everglades exchange and the Monroe County pocket of the Everglades exchange were very low, even to the county seat. In addition, the distribution factors were not close to meeting the EAS rule requirement.

Accordingly, we find that the calling rates and distribution factors on the routes involving the Everglades exchange did not exhibit a sufficient community of interest to warrant any form of toll relief. Therefore, we find that no alternative toll plan shall be approved in this docket.

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Based on the foregoing, it is

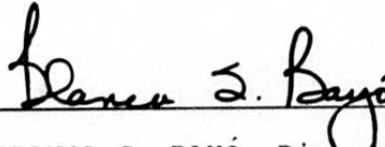
ORDERED by the Florida Public Service Commission that the petition filed by the residents of the Marathon exchange requesting countywide calling within Monroe County is denied because none of the routes qualify for a survey for nonoptional, flat rate, two-way extended area service. It is further

ORDERED that no alternative toll plans shall be offered on the routes considered in this docket. It is further

ORDERED that this Order shall become final and effective on the date set forth below if no timely protest is filed pursuant to the requirements set forth below in the "Notice of Further Proceedings or Judicial Review." It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of May, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 June 13, 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.