

AUSLEY & McMULLEN

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RECEIVED
MAY 30 1996

FPSC-RECORDS/REPORTING

May 30, 1996

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

7606.16-TE

Re: Petition by ALLTEL Florida, Inc. for a
Waiver of Rule 25-4.076(1), F.A.C.,
Requiring One LEC-Provided Payphone
Per Exchange

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the original and fifteen (15) copies of ALLTEL Florida, Inc.'s Petition.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,



J. Jeffrey Wahlen

Enclosures

cc: All parties of record

all/byo

DOCUMENT NUMBER-DATE

05923 MAY 30 96

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by ALLTEL Florida,)
Inc. for a Waiver of Rule)
25-4.076(1), F.A.C., Requiring One)
LEC-Provided Payphone Per Exchange)
_____)

Docket No. 960676-7L

Filed: May 30, 1996

PETITION

Pursuant to Rule 25-22.036, F.A.C., ALLTEL Florida, Inc. ("ALLTEL" or the "Company") petitions the Florida Public Service Commission ("FPSC" or the "Commission") for a waiver of Rule 25-4.076(1), F.A.C., requiring one LEC-provided pay telephone in an exchange, and says:

Introduction

1. ALLTEL is a local exchange telecommunications company ("LEC") within the meaning of Chapter 364, Florida Statutes (1995). More specifically, ALLTEL is a small LEC within the meaning of Section 364.052(1), Florida Statutes, and has not elected price regulation.

2. All pleadings, motions, orders and other papers filed or served in this docket should be served on ALLTEL at the following address:

Lee L. Willis
J. Jeffrey Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

Harriet E. Eudy
ALLTEL Florida, Inc.
206 White Avenue
Live Oak, FL 32060

The Rule

3. Rule 25-4.076(1), F.A.C., addresses LEC-provided pay telephones and requires that an LEC provide at least one pay telephone in each of its exchanges.

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4. ALLTEL has suggested repealing this rule on several occasions, but has been advised that the best approach would be to seek a waiver of the rule if application of the rule in a particular exchange is inappropriate.

Waiver Request

5. This request for waiver relates only to ALLTEL's Raiford exchange and is for a permanent waiver of the rule as it relates to the Raiford exchange.

Reasons Supporting Request

6. This request should be granted for the four reasons explained below:

7. Excessive Vandalism. To comply with the Rule, ALLTEL has maintained a payphone at the intersection of State Road 121 and County Road 229 (see attached map, Exhibit A). In the last 12 months, the payphone at this location has been vandalized or dragged down three (3) times and stolen once. The Company has been forced to replace the handset on the phone seven (7) times in the last year.

8. Other PATS/COCOT Phones in the Raiford Exchange. In addition to the ALLTEL payphone, there are at least 4 PATS/COCOT phones in the Raiford exchange. Three of those phones are located within 100 yards of the ALLTEL location and the other is located at the Union Correctional Institution. (See Photos 2, 3 and 4, attached, Exhibit B) The existence of these phones obviates the need for ALLTEL to provide a pay telephone in the Raiford exchange.

9. No Other Acceptable Locations. ALLTEL has explored the possibility of locating its pay station in areas other than its existing location; however, ALLTEL has been denied permission from all location owners at sites considered acceptable to ALLTEL.

10. Prohibitive Cost of Improving Current Location. As the first photo (attached) shows, the current location has no security and is wet and muddy much of the time. Upgrading the location to conform with the Americans With Disabilities Act ("ADA") will require ALLTEL to construct a concrete slab. The associated construction costs, together with the costs of vandalism, cannot be justified in light of the small amount of revenue generated by the paystation.

Other


11. ALLTEL is not aware of any disputed issues of fact at this time.

Conclusion

12. Granting this request is in the public interest. The cost of maintaining ALLTEL's existing pay telephone location make maintaining the payphone uneconomical. The need for payphones in the Raiford exchange is being met by telephone installed by non-LEC pay telephone providers.

WHEREFORE, ALLTEL Florida, Inc. requests that the Commission enter an order granting this Petition for Waiver.

DATED this 30th day of May, 1996.



LEE I. WILLIS and
J. JEFFERY WHELEN
Ausley & McMullen
P. O. Box 391
Tallahassee, Florida 32302
(904) 224-9115

ATTORNEYS FOR ALLTEL FLORIDA, INC.

jjw/vll/tpw

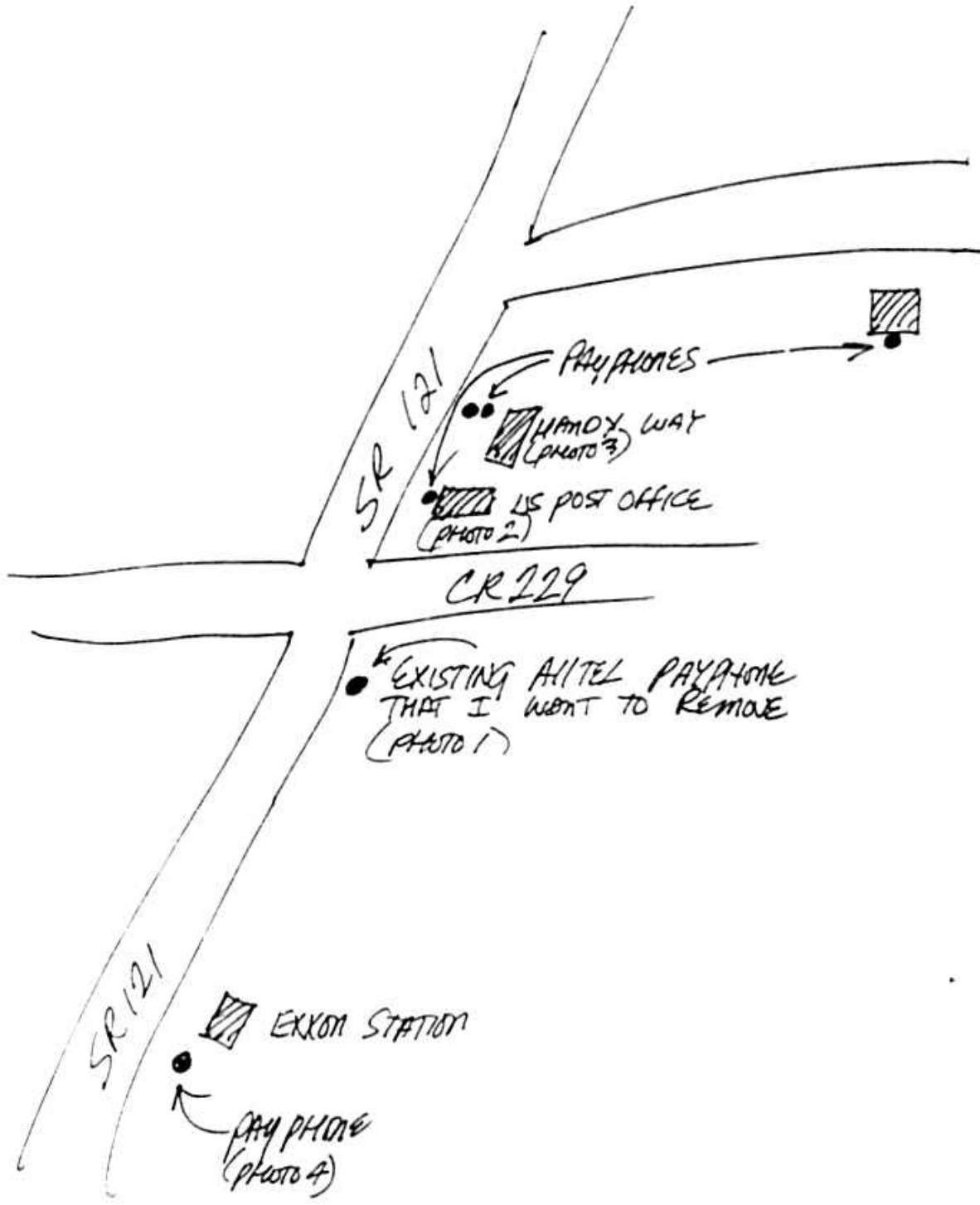


Exhibit A

1



2



3



4



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



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYÓ
DIRECTOR
(904) 413-6770

Public Service Commission

June 4, 1996

Mr. J. Jeffrey Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302

Docket No. 960676-TL

Dear Mr. Wahlen:

This will acknowledge receipt of a petition for waiver of Rule 25-4.076(1), F.A.C., which requires one LEC-provided payphone per exchange, by ALLTEL FLORIDA, INC. which was filed in this office on May 30, 1996 and assigned the above-referenced docket number. Appropriate staff members will be advised.

A tentative schedule of events in your docket (referred to as a Case Assignment and Scheduling Record or CASR) should be available, upon request, ten (10) working days after establishment of the docket. You may contact the Records Section at (904) 413-6770 or by fax at (904) 413-7118 to request that a copy of the case schedule be faxed or mailed to you. The schedule of events provides you with an opportunity to anticipate completion stages of work in the docket. These dates are subject to change; therefore, you may wish to call the Records Section periodically to obtain revised schedules for your docket. For firm dates of hearings or other activities, please look to the Commission's official notices and orders. You can also obtain information on your docket by accessing the PSC HomePage on the Internet, at <http://www.state.fl.us/psc/>.

Sincerely,

A handwritten signature in cursive script that reads "Linda C. Williams".

Linda C. Williams
Commission Deputy Clerk Supervisor