

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Volusia County)	DOCKET NO. 910029-TL
Council for extended area service)	
between the Sanford exchange (Osteen and)	ORDER NO. 25735
Deltona) and the Orange City and Deland)	
exchanges.)	ISSUED: 2/17/92
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 LUIS J. LAUREDO

ORDER GRANTING AN EXTENSION OF TIME FOR
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
TO IMPLEMENT \$.25 MESSAGE RATE BETWEEN
THE SANFORD AND DELAND EXCHANGES

BY THE COMMISSION:

We received a request from the Volusia County Board of Commissioners for extended area service (EAS) between the Sanford exchange and the Orange City and Deland exchanges. The Orange City and Deland exchanges, and a portion of the Sanford exchange, lie in Volusia County. Southern Bell Telephone and Telegraph Company (Southern Bell) serves the Sanford and Deland exchanges. United Telephone Company of Florida (United) serves the Orange City exchange. The Deland exchange is located in the Daytona Beach LATA. The Sanford and Orange City exchanges are located in the Orlando LATA.

On February 22, 1991, we issued Order No. 24148 which required a traffic study. On July 1, 1991, we issued Order No. 24736 which granted confidential treatment to the Sanford/Deland interLATA route. On August 20, 1991, we issued Order No. 24938 which required implementation of a \$.25 message rate between the Sanford and Deland, and between the Sanford and Orange City exchanges. Through tariff T-91-470, effective November 16, 1991, and tariff T-91-613, effective November 16, 1991, United and Southern Bell, respectively, implemented the \$.25 message rate between the Sanford and Orange City exchanges.

On December 6, 1991, Southern Bell filed the instant Motion for Extension of Time to implement the \$.25 message rate between the Sanford and Deland exchanges.

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Southern Bell is prohibited from carrying traffic across LATA boundaries by the Modified Final Judgement (MFJ). The Sanford/Deland route is an interLATA route. In Order No. 24938 we directed Southern Bell to seek a waiver of the MFJ in order to implement this route. Despite its efforts, Southern Bell has not yet been able to secure a waiver of the MFJ to implement the \$.25 plan on this interLATA route.

The Department of Justice (DOJ) has advised Southern Bell that the Waiver Request is still under consideration and that a recommendation by the DOJ to the District Court for the District of Columbia will not be immediately forthcoming. No timeframe was given as to when a recommendation by the DOJ, and a subsequent ruling by the Court, is anticipated. Under the circumstances, we find that an extension of time is appropriate until a waiver of the MFJ is granted by the Court.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company's Motion for Extension of Time in which to implement a \$.25 message rate between the Sanford and Deland is hereby granted.

By ORDER of the Florida Public Service Commission, this 17th
day of FEBRUARY, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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

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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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.