

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for) DOCKET NO. 920801-TL
temporary waiver of alternative) ORDER NO. PSC-92-1119-FOF-TL
toll plan requirements in Putnam) ISSUED: 10/05/92
and Bradford Counties by ALLTEL)
FLORIDA, INC. and CENTRAL)
TELEPHONE COMPANY OF FLORIDA.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING COMPANIES TO FILE INFORMATION
REGARDING IMPLEMENTATION OF \$.25 PLAN

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

By Order No. PSC-92-0282-FOF-TL, issued May 4, 1992, in Docket No. 910022-TL, we proposed requiring ALLTEL Florida, Inc. (ALLTEL), Central Telephone Company of Florida (Centel), and Southern Bell Telephone and Telegraph Company (Southern Bell) to implement an alternative toll relief plan known as the \$.25 plan on eleven routes between Bradford County, Union County, and the Gainesville exchange. No protest was filed to our proposal, so Order No. PSC-92-0282-FOF-TL became final on May 26, 1992. Since several of the affected routes were interLATA (local access transport area), we directed Southern Bell to immediately begin seeking a waiver of the Modified Final Judgment (MFJ) to allow it to carry traffic on the interLATA routes it serves. ALLTEL and Centel have since filed tariffs reflecting a September 12, 1992, implementation date on the routes that can be implemented. Order No. PSC-92-0282-FOF-TL requires that all of the routes be implemented by November 26, 1992.

DOCUMENT NUMBER-DATE

11581 OCT-5 1992

By Order No. 25772, issued February 24, 1992, in Dockets Nos. 910528-TL and 880069-TL, we proposed requiring ALLTEL and Southern Bell to implement the \$.25 plan on ten routes in Putnam County. No protest was filed to our proposal, so Order No. 25772 became final on March 17, 1992. Southern Bell was again directed to seek a waiver of the MFJ to allow it to carry traffic on the interLATA routes that it serves. All of the routes were to be implemented by September 17, 1992.

On August 10, 1992, ALLTEL and Centel filed a Joint Petition for temporary waiver of the above Orders (Petition). This Petition deals specifically with the following exchanges: between Waldo and Lawtey; Waldo and Starke; Interlachen and Melrose; and Interlachen and Orange Springs. These are all interLATA routes not involving Southern Bell. However, because the routes are interLATA, facilities are a problem for ALLTEL and Centel. The Petition also requests that Centel's tariff filing of July 10, 1992, be held in abeyance pending the outcome of the Petition. However, on August 17, 1992, a modification to the Petition was filed requesting that the tariff not be held in abeyance.

DISCUSSION

The Joint Petition requests a temporary delay of the implementation date for the \$.25 plan between the following exchanges in Docket No. 910022-TL:

Waldo (ALLTEL) and Lawtey (Centel)
Waldo (ALLTEL) and Starke (Centel)

Order No. PSC-92-0282-FOF-TL directed ALLTEL, Centel, and Southern Bell to implement the \$.25 plan on a total of eleven routes. Five of these routes are scheduled for implementation on September 12, 1992; four of the routes involve Southern Bell and are awaiting the MFJ waiver; the remaining two routes, which are also interLATA but do not involve Southern Bell, are the partial subject of the Petition.

ALLTEL and Centel state in the Petition that they do not have facilities of their own to carry the interLATA traffic on these two routes. The companies contend that they were planning to lease facilities from Southern Bell, but on July 22, 1992, Southern Bell informed them that it would not be able to lease facilities across LATA boundaries.

According to the Petition, the companies have several alternatives. First, the companies may be able to lease facilities from an interexchange carrier (IXC). Second, they could build

their own facilities. Finally, if neither of the first two alternatives are economically feasible, the companies could ask us to reconsider our decision to require the \$.25 plan over these routes.

The Petition requests additional time to allow the companies to gather information, prepare engineering estimates, and hold discussions with carriers. Once the companies have the information needed to make an informed decision, they will present their proposal. The companies estimate it will take sixty days to gather the necessary information and make a proposal.

The Joint Petition also requests a temporary delay of the implementation date for the \$.25 plan between the following exchanges in Dockets Nos. 910528-TL and 880069-TL:

Interlachen (ALLTEL) and Melrose (ALLTEL)
Interlachen (ALLTEL) and Orange Springs (ALLTEL)

Order No. 25772 directed ALLTEL and Southern Bell to implement the \$.25 plan on a total of ten routes. One of these routes is scheduled for implementation on September 12, 1992; seven of the routes involve Southern Bell and are awaiting the MFJ waiver; the remaining two routes, which are also interLATA but do not involve Southern Bell, are the remaining subject of the Petition.

ALLTEL states in the Petition that the same conditions apply to these routes as discussed for the other routes. The Company contends that it does not have facilities of its own to carry the interLATA traffic and was planning to lease facilities from Southern Bell. Again, ALLTEL is requesting sixty days to allow it time to gather information, prepare engineering estimates, and hold discussions with carriers. ALLTEL would then file its proposal.

In both instances, we are concerned about the delay in implementing these routes. The Orders were issued as Proposed Agency Action and then allowed the companies six months to resolve any issues regarding implementation. Had the companies timely examined how these routes could be implemented, they would have realized at the outset that Southern Bell could not carry the traffic. However, after listening to the explanations provided at our agenda conference, we understand how this situation developed. The companies have assured us that any such future issues will be brought to our attention in a more timely fashion.

Upon consideration, we find it appropriate to deny each of the requests for a sixty day extension of time. Instead, for the routes between the Waldo exchange and the Lawtey and Starke

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exchanges, ALLTEL and Centel shall either implement these routes as ordered, or by October 15, 1992, provide us with detailed information regarding how and when these routes can be implemented. As to those routes between the Interlachen exchange and the Melrose and Orange Springs exchanges, ALLTEL shall, by October 15, 1992, provide us with detailed information regarding how and when these routes can be implemented.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Petition filed on August 10, 1992, by ALLTEL Florida, Inc. and Central Telephone Company of Florida is hereby denied for the reasons set forth herein. It is further

ORDERED that ALLTEL Florida, Inc. and Central Telephone Company of Florida shall implement the required calling plan between the Waldo exchange and the Lawtey and Starke exchanges as directed herein or, by October 15, 1992, file the information discussed in the body of this Order. It is further

ORDERED that ALLTEL Florida, Inc. shall, by October 15, 1992, file the information discussed herein pertaining to the required calling plan between the Interlachen exchange and the Melrose and Orange Springs exchanges. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, our proposed action shall become final on the first working day following the date specified below. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 5th day of October, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Flynn
Chief, Bureau of Records

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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 26, 1992.

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 adversely 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.