

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for extended area)	DOCKET NO. 870436-TL
service between the Hastings and)	ORDER NO. 20778
St. Augustine exchanges.)	ISSUED: 2-20-89
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, CHAIRMAN
THOMAS M. BEARD

ORDER REQUIRING A NEW CUSTOMER SURVEY

BY THE COMMISSION:

ALLTEL Florida, Inc., is hereby directed to resurvey its Hastings, Florida subscribers to determine whether a second balloting would result in a simple majority approving the implementation of traditional flat rate, two-way, nonoptional Extended Area Service between Hastings and St. Augustine.

BACKGROUND AND DISCUSSION

This docket was initiated by a resolution filed by the Town Council of Hastings, Florida on April 18, 1987. The Council requested that we consider the feasibility of implementing Extended Area Service (EAS) between the Hastings exchange and the St. Augustine exchange. Both of the exchanges are located in St. Johns County and are served by ALLTEL Florida, Inc. (ALLTEL) and Southern Bell Telephone and Telegraph Company (Southern Bell), which are subject to our jurisdiction, pursuant to Chapter 364, Florida Statutes.

Order No. 17636 directed ALLTEL and Southern Bell to conduct traffic studies on the affected routes to determine, based upon our rules, whether a community of interest existed between the two exchanges sufficient to warrant the implementation of EAS. The results of the ALLTEL traffic study revealed that the one-way calling rate on the Hastings to St. Augustine route is 15.41 messages per main station per month (M/M/Ms), including FX lines, with 67.35% of the customers making two or more calls per month. These traffic results far exceed the calling rates required by Rule 25-4.060(2)(a), Florida Administrative Code, for the implementation of traditional flat-rate, two-way, nonoptional EAS. The rule provides for a calling rate of 3 M/M/Ms, with at least 50% of the exchange's subscribers making two or more calls per month.

At our March 15, 1988 Agenda Conference we considered ordering ALLTEL to implement the Optional Extended Area Service Plan (OEAS) developed by Southern Bell and presented in Docket No. 880069-TL, Petition for Implementation Order and Other Relief. However, at that agenda conference ALLTEL stated that it had problems implementing Southern Bell's OEAS plan and requested a hearing be scheduled to provide them an opportunity to put forth their specific concerns and to present an alternative toll plan for our consideration.

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The hearing was conducted on June 15 and 16, 1988, in Hastings, Florida. At the hearing we received testimony from the companies, as well as public witnesses. Upon consideration of the evidence produced at the hearing, we ordered ALLTEL to survey the Hastings' customers to determine whether a simple majority would approve the implementation of traditional flat-rate, two-way, nonoptional FAS.

ALLTEL mailed 1,153 ballots to its Hastings' customers of record. In order for the survey to pass, a simple majority or 577 "yes" votes were necessary. The survey failed by a mere 38 votes or 3.3% of all votes cast. We believe this result may be attributed to the timing of the survey. The ballots were distributed on November 10, 1988, and were to be returned not later than December 16, 1988. Therefore, the survey period included the Thanksgiving and Christmas holidays. During the holiday season the volume of mail increases significantly, we believe that it is possible that, due to the increase in volume of mail, ballots were lost. It's also possible that holiday distractions, such as shopping and visiting, could have caused some people to simply forget to return the ballot.

Accordingly, we believe it appropriate to order ALLTEL to resurvey the Hastings' subscribers. In addition, the letter and the ballot are to be developed in coordination with our Staff, local governmental representatives, and representatives from the Hastings' community. This coordination shall occur as soon as possible, and once it has been accomplished the balloting shall take place within thirty (30) days thereafter.

ALLTEL'S REQUEST FOR EXTENSION OF TIME

Order No. 20153 was issued subsequent to the public hearing and by its terms was final. Any motions for reconsideration of Order No. 20153 were to be filed within fifteen (15) days, as required by Rule No. 25-22.060, Florida Administrative Code.

On October 25, 1987, ALLTEL requested an extension of time to file its Motion for Reconsideration of Order No. 20153 until ten (10) days after the completion of the customer survey. ALLTEL stated that it would only seek reconsideration if the survey failed and the Commission ordered it to implement the alternative toll plan outlined in Order No. 20153. Therefore, ALLTEL requested that it be given additional time after the results of the survey were known to determine whether it would seek reconsideration of our Order. ALLTEL's request was granted and is reflected in Order No. 20300.

Inasmuch as we are ordering that the Hastings' subscribers be resurveyed, we find it appropriate that ALLTEL's extension of time continue in effect until ten (10) days after the results of the resurvey have been presented for our consideration and an order reflecting our decision has been issued. Accordingly, upon issuance of that order ALLTEL shall have ten (10) days to request reconsideration of Order No. 20153 to the extent outlined in its Motion for Extension of Time to File Petition for Reconsideration.

Therefore, based on the foregoing, it is

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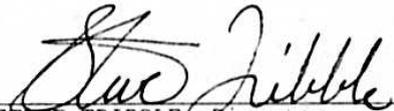
ORDERED by the Florida Public Service Commission that ALLTEL Florida, Inc. shall resurvey its Hastings' subscribers to determine whether a simple majority would approve the implementation of traditional flat-rate, two-way, nonoptional Extended Area Service, set forth in the body of this Order. It is further

ORDERED that ALLTEL Florida, Inc. shall resurvey its Hastings' customers within thirty (30) days of the development of the explanatory letter and ballot which is to be drafted in coordination with Commission Staff, local government representatives, and representatives from the Hastings' community, as set forth in the body of this Order. It is further

ORDERED that our approval of ALLTEL Florida, Inc.'s Motion for Extension of Time to File Petition for Reconsideration of Order No. 20153, as set forth in Order No. 20300, is hereby extended until ten (10) days after Commission action on the results of the resurvey, as set forth in the body of this Order. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission
this 20th day of FEBRUARY, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DWS

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 sewer utility by filing a notice of

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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 after the issuance 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.