

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for waiver of)	DOCKET NO. 900306-TL
Rule 25-4.072(2), FAC, which deals with)	
transmission requirements, by FLORALA)	ORDER NO. 23072
TELEPHONE COMPANY)	
<hr/>		ISSUED: 6-13-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING TEMPORARY RULE WAIVER

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On April 24, 1990, Florala Telephone Company (Florala) requested for the Paxton central office, a temporary waiver of Commission Rule 25-4.072(2), Florida Administrative Code, which requires central offices with 1000 or more lines to have a three line rotary milliwatt test number for transmission test purposes. The purpose of rotary equipment is to eliminate busy signals or failures causing erroneous results or time consuming delays during testing. The Paxton central office originally had fewer than 1000 lines and was exempt from the three line requirement. However, service evaluations in September and October, 1989, revealed that the installed line capacity of the office had reached 1069 lines, thereby requiring a three line rotary under the rules.

When Florala was notified of the Rule violation, it informed the Commission that the Paxton central office is scheduled to be changed to a digital switch by the fourth quarter of 1991. The digital replacement central office is scheduled to be in compliance with the three line rotary requirement. Florala also submitted data showing that the cost

DOCUMENT NUMBER-DATE

05200 JUN 13 1990

FPSC-RECORDS/REPORTING

ORDER NO. 23072
DOCKET NO. 900306-TL
PAGE 2

of installing the required rotary equipment in the current Paxton office would be \$4,406. Florala, therefore, requested a waiver of the three line rotary requirement.

Because of the expense of installation and the relatively short lifespan remaining for the current Paxton central office, we find it appropriate to grant Florala a temporary waiver of Rule 25-4.072(2), Florida Administrative Code, until the end of the fourth quarter of 1991. Further, Florala is directed to notify the Bureau of Service Evaluation when the replacement office is placed in service.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the requirements of Rule 25-4.072(2), Florida Administrative Code, are hereby waived for Florala Telephone Company until the end of the fourth quarter of 1991. It is further

ORDERED that Florala Telephone Company shall notify the Bureau of Service Evaluation when the Paxton digital central office installation is completed. It is further

ORDERED that this docket shall be closed in the event that no protest to this Proposed Agency Action is filed within the time period established below.

By ORDER of the Florida Public Service Commission, this 13th day of JUNE, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK/TH

by: Kay Flynn
Chief, Bureau of Records

ORDER NO. 23072
DOCKET NO. 900306-TL
PAGE 3

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 July 5, 1990.

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, and as reflected in a subsequent order.

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 sewer 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.