

MEMORANDUM

JULY 17, 1995

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FPSC RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CANZANO) *rc FL*

RE: DOCKET NO. 941201-TL - PETITION BY SUBSCRIBERS OF THE GROVELAND EXCHANGE FOR EXTENDED AREA SERVICE (EAS) TO THE ORLANDO, WINTER GARDEN, AND WINDERMERE EXCHANGES.

0875-FOF

Attached is an ORDER SETTING MATTER FOR HEARING to be issued in the above-referenced docket. (Number of pages in Order - 3)

DLC/mw  
Attachment  
cc: Division of Communications  
I: 941281TL.DC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by subscribers ) DOCKET NO. 941281-TL  
of the Groveland exchange for ) ORDER NO. PSC-95-0875-FOF-TL  
extended area service (EAS) to ) ISSUED: July 19, 1995  
the Orlando, Winter Garden, and )  
Windermere exchanges. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

ORDER SETTING MATTER FOR HEARING

BY THE COMMISSION:

This docket was initiated pursuant to a petition by the subscribers of the Groveland exchange requesting extended area service (EAS) to the Orlando exchange. The Winter Garden and Windermere exchanges were included because of leapfrogging. The Groveland, Windermere, and Winter Garden exchanges are served by United Telephone Company of Florida (United), and the Orlando exchange is served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). The Groveland exchange is located in the Gainesville LATA (local access transport area), and the Winter Garden, Windermere and Orlando exchanges are located in the Orlando LATA.

By Order No. PSC-95-0080-PCO-TL, issued January 17, 1995, we ordered United and Southern Bell to conduct traffic studies on the proposed EAS routes in this docket. By Order No. PSC-95-0596-FOF-TL, issued May 11, 1995, we granted Southern Bell's motion for modification of Order No. PSC-95-0080-PCO-TL, and relieved Southern Bell of the requirements to file traffic data on its interLATA routes. By Order No. PSC-95-0715-CFO-TL, issued June 13, 1995, we granted United's request for confidential classification.

Rule 25-4.060(3), Florida Administrative Code, requires a calling rate of at least three M/A/Ms (Messages per Access Line per Month) in cases where the petitioning exchange contains less than half the number of access lines as the exchange to which EAS is

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desired. This rule further requires that at least 50% of the subscribers in the petitioning exchange make two or more calls per month to the larger exchange to qualify for traditional EAS.

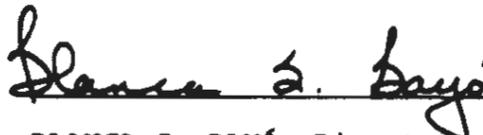
The routes in this docket did not meet the requirements set forth in the rule for flat rate, two-way nonoptional EAS. However, the Groveland/Orlando route met the M/A/M requirement but fell short on the distribution requirement. Since the distribution was so close to qualifying, our staff asked United if it could provide a partial traffic study of the route for a different month. The original traffic study was conducted in October 1994. United furnished new calling volumes and distribution factors for March 1995. The additional study indicated that the M/A/Ms still met the requirements, but the number of customers making 2 or more calls per month fell short again.

Since the routes were so close to qualifying for EAS and the traffic patterns did not meet the prescribed community of interest qualifications, in accordance with Rule 25-4.040(5), Florida Administrative Code, on our own motion we will set this matter for a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes. The hearing shall determine what, if any, other community of interest factors should be considered in our decision of whether to implement an EAS or alternative plan and whether toll relief is warranted.

It is therefore

ORDERED by the Florida Public Service Commission that this docket shall be set for a Section 120.57(1) administrative hearing as discussed in the body of this Order.

By ORDER of the Florida Public Service Commission, this 19th day of July, 1995.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

DLC

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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 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 of the Commission is available if review of the final action will not provide a adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.