

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by residents of YULEE) DOCKET NO. 881201-TL
exchange for extended area service) ORDER NO. 20759-A
to the Jacksonville exchange.) ISSUED: 2-27-89

AMENDATORY ORDER
NOTICE OF PROPOSED AGENCY ACTION

BY THE COMMISSION:

Order No. 20759 dated February 17, 1989 was inadvertently issued as a final order. The Order should have been issued as a Proposed Agency Action, pursuant to the Commission's vote on February 7, 1989. Therefore, Order No. 20759 is hereby rescinded and shall be replaced in its entirety with the text which appears below:

Notice is hereby given by the Florida Public Service Commission that our decision to require Southern Bell Telephone and Telegraph Company to implement its Optional Extended Area Service Plan on the Yulee exchange to the Jacksonville exchange route at the rates set forth below is preliminary in nature and will not 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.

BACKGROUND AND DISCUSSION

This docket was initiated by a petition signed by the residents of the Yulee exchange. The petition requested that we consider requiring implementation of extended area service (EAS) between the residents of the Yulee exchange and the Jacksonville exchange. Both exchanges are located in the Jacksonville LATA; however, Yulee is located in Nassau County and Jacksonville is located in Duval County. Both exchanges are served by Southern Bell Telephone and Telegraph Company (Southern Bell), which is subject to our regulation pursuant to Chapter 364, Florida Statutes.

Order No. 20123, issued October 6, 1988, directed Southern Bell to conduct a traffic study on the affected route as required by our rules. On October 21, 1988, Southern Bell requested relief from conducting the traffic study based upon our decision in Order No. 20162, issued October 13, 1988, in Docket No. 880069-TL, Petition for Implementation Order and Other Relief, which directed Southern Bell to implement its Optional Extended Area Service (OEAS) plan on the Yulee to Jacksonville route. However, since the traffic study order was issued prior to our decision in Docket No. 880069-TL, our Staff advised Southern Bell to go forward with the traffic study.

The results of the traffic study demonstrate that the one-way calling rate on the Yulee to Jacksonville route is 16.32 messages per main station per month (M/M/Ms), without foreign exchange (FX) lines, with 77.9% of the customers making two or more calls per month. If FX data is included, the one-way calling rate is 23.4 M/M/Ms, with 78.05% of the customers making two or more calls per month. These calling rates indicate a sufficient community of interest pursuant to Rule 25-4.060(2)(a), Florida Administrative Code, to warrant implementation of an alternative to toll.

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Accordingly, the alternative toll plan we propose be implemented on this route is the OEAS plan which, as noted above, we approved in Docket No. 880069-TL. In that docket, among other things, we approved implementation of Southern Bell's OEAS plan on twenty-two of its routes. The Yulee to Jacksonville route was one of those routes. The OEAS plan is to be implemented on the Yulee to Jacksonville route by September, 1989. In all other respects Southern Bell is to comply with the requirements for implementing OEAS as set forth in Order No. 20162. (See Order pages 19 through 24.)

Upon consideration we find it appropriate to waive the requirements of certain Commission rules. First, we shall waive the requirements of Rule 25-4.061, Florida Administrative Code, thereby relieving the company of conducting cost studies. We have waived this rule inasmuch as the results of the traffic study reflect a sufficient community of interest to warrant implementation of an alternative to toll rates, and the alternative plan we have ordered does not consider the costs to the company in the setting of rates.

Second, we shall waive Rule 25-4.062(4), Florida Administrative Code, which provides for full recovery of costs from the subscribers in the petitioning exchange. We note that we have already ordered Southern Bell in Order No. 20162 to implement OEAS on this route without having provided for full recovery of Southern Bell's costs, in this Order we merely acknowledge that we have waived the rule.

We have determined that the following residential and business rates shall apply to this OEAS offering. Accordingly, Southern Bell shall submit a revised tariff to reflect these rates prior to implementation of the OEAS plan.

Yulee to Jacksonville
OEAS Rates

	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Option 5</u>
R1	8.10	6.80	2.20*	7.70	4.95**
B1	21.90	N/A	4.40*	20.80	10.80**
PBX	49.39	N/A	8.80*	46.97	16.20**
ESSX	49.39	N/A	8.80*	46.97	16.20**

*Options: 50% off toll rates with above minimums.

**Options: Above recurring charge plus 50% off toll rates.

Yulee subscribers also are offered an optional EAS plan known as "Point-to-Point Service" which provides for measured calling between the Yulee and Jacksonville exchanges. The plan has been available on the route since 1979. However, with the implementation of OEAS we direct Southern Bell to eliminate its point-to-point service. Southern Bell shall be required to advise subscribers to the point-to-point service plan of its elimination prior to implementing OEAS.

Based on the foregoing, it is

ORDERED that Order No. 20759, which was incorrectly issued as a final order, is hereby rescinded and replaced by this amendatory order in all respects. It is further

ORDERED by the Florida Public Service Commission that Southern Bell Telephone and Telegraph Company shall comply with the requirements set forth in Order No. 20162 regarding the implementation of the Optional Extended Area Service Plan on the Yulee to Jacksonville route, within the timeframes set forth in the body of this Order, unless a timely protest is filed. It is further

ORDERED that Rules 25-4.061 and 25-4.062(4), Florida Administrative Code, shall be waived in this docket, 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 27th 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.

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 March 15, 1989. In the absence of such a petition, this order shall become effective March 16, 1989 as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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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 March 16, 1989, 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.