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M E M O R A N D U M

December 23, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (SHELPER, WIGGINS) *AKS*  
DIVISION OF LEGAL SERVICES (B. KEATING) *WIK*

RE: DOCKET NO. 930173-TL - - PETITION BY THE RESIDENTS OF  
POLO PARK REQUESTING EXTENDED AREA SERVICE (EAS) BETWEEN  
THE HAINES CITY EXCHANGE AND THE ORLANDO, WEST KISSIMMEE,  
LAKE BUENA VISTA, WINDERMERE, REEDY CREEK, WINTER PARK,  
CLERMONT, WINTER GARDEN AND ST. CLOUD EXCHANGES

AGENDA: JANUARY 6, 1997 - REGULAR AGENDA - POST HEARING DECISION  
- PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\930173TL.RCM

CASE BACKGROUND

This docket was initiated pursuant to a petition submitted by residents of Polo Park, which is a pocket of the Haines City exchange. The petition requests implementation of extended area service (EAS) between the Haines City exchange and the Orlando, West Kissimmee, Kissimmee, Lake Buena Vista, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden and St. Cloud exchanges. Staff added the Celebration exchange since it is a new exchange located in the center of the other requested routes. The Haines City exchange is served by GTEFL and is located in the Tampa Market Area. BellSouth (Southern Bell or BST) serves the Orlando exchange, which is located in the Orlando LATA. The West Kissimmee, Kissimmee, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden and St. Cloud exchanges are served by Sprint-United and are located in the Orlando LATA except for Clermont, which is located in the Gainesville LATA. The Lake Buena Vista and Celebration exchanges are served by Vista-United, and are also located in the Orlando LATA. All of these routes are interLATA. Attachment A is a map of the involved exchanges.

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By Order No. PSC-93-0437-PCO-TL, issued March 23, 1993, GTEFL, BellSouth and Sprint-United Telephone were ordered to conduct traffic studies on the above routes. By Order No. PSC-93-0437A-PCO-TL, issued April 15, 1993, Vista-United was ordered to conduct traffic studies on the routes listed above.

On April 19, 1993, the Polo Park Homeowners Association (the petitioner) filed a request to postpone the ordered traffic study until a time period more representative of the calling patterns. Specifically, the petitioner requested the studies be postponed until February or March of 1994 in order to reflect calling patterns of seasonal residents.

By Order No. PSC-93-0984-FOF-TL, issued June 30, 1993, the Commission granted the petitioners request to postpone the traffic studies until February of 1994.

By Order No. PSC-93-1168-FOF-TL, issued August 10, 1993, the Commission partially modified its previous orders relieving BellSouth of its requirements to perform traffic studies on the interLATA routes at issue in this docket.

By Order No. PSC-94-0091-PCO-TL, issued January 26, 1994, the Commission ordered GTEFL, BellSouth, Sprint-United, and Vista-United to perform traffic studies within 90 days from the date of the order on the routes at issue in this docket.

By Order No. PSC-94-0304-FOF-TL, issued March 16, 1994, the Commission granted GTEFL's motion relieving the Company of its traffic study requirements on the routes at issue in this docket.

By Order No. PSC-94-0476-PCO-TL, issued April 20, 1994, the Commission granted Sprint-United's motion for an extension until May 31, 1994, to file the traffic studies required by Order No. PSC-94-0091-PCO-TL.

By Order No. PSC-94-1398-CFO-TL, issued November 16, 1994, the Commission granted Sprint-United confidential classification of Document No. 05294-94 (traffic study).

By Order No. PSC-95-1262-FOF-TL, issued October 16, 1995, the Commission ordered that no further traffic studies were required by BellSouth and GTEFL on the interLATA routes at issue in this docket.

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By Order No. PSC-95-1396-FOF-TL, issued November 13, 1995, the Commission determined that this docket should be evaluated with the other pending EAS dockets that involve pocket areas. The Commission also determined that this docket shall be set for hearing to allow the parties an opportunity to present community of interest criteria.

By Order No. PSC-96-0093-PCO-TL, issued January 18, 1996, the Commission established the governing procedures for this proceeding.

By Order No. PSC-96-0242-PCO-TL, issued February 20, 1997, the Commission modified the procedural schedule and established the preliminary list of issues in this proceeding .

By Order No. PSC-96-0481-PCO-TL, issued April 5, 1996, the Commission modified the scheduling of Rebuttal testimony and Prehearing statements in this proceeding.

On June 14, 1996, the Commission held public and technical hearings in Haines City at Polo Park.

The Telecommunications Act of 1996 delineated restrictions on Bell Operating Companies (BOCs) regarding interLATA telecommunications services. Specifically, Section 271 of the Act prohibited the BOCs from originating interLATA traffic until the BOCs meet certain conditions, including completion of a competitive checklist. Under Section 272 of the Act, even after it meets the requirements of Section 271, a BOC may only originate interLATA telecommunications services through a separate and independent affiliate. The Act, therefore, restricts BST from providing interLATA telecommunications services on the Orlando/Haines City route. Since the Haines City/Orlando route was the petitioners primary concern, the petitioners agreed that it was necessary to resolve this issue through a workshop.

By Order No. PSC-96-1335-FOF-TL, issued November 5, 1996, the Commission scheduled a workshop to obtain additional information concerning the impact of the Telecommunications Act of 1996 on pending requests for interLATA EAS on BST's routes and to allow all affected parties in this docket an opportunity to participate.

By Order No. PSC-97-0619-FOF-TL, issued May 30, 1997, the Commission postponed action on interLATA EAS dockets, pending a determination of the feasibility of one-way EAS and ECS.

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On July 15, 1997, the FCC issued Order 97-244. This order addressed several petitions by BOCs for modification of LATA boundaries to allow them to provide expanded local calling service. The FCC determined that the need for certain expanded local calling routes outweighed any anticompetitive risks, and therefore approved 23 of the requests to modify LATA boundaries. The FCC also emphasized that the LATAs were being modified solely for this purpose solely to allow the BOCs to offer non-optional, flat rate local calling service, not to permit the BOCs to offer any other type of service. The FCC further concluded that flat-rate, non-optional, expanded local calling service between exchanges will be deemed intraLATA, and the provisions of the Act governing intraLATA service will apply. Other types of service between specified exchanges will be deemed interLATA, and the provisions of the Act governing interLATA service will apply.

By Order No. PSC-97-1309-FOF-TL, issued October 22, 1997, the Commission concluded that it was appropriate to proceed with consideration of interLATA EAS requests in view of the FCC's determination in Order 97-244 at ¶19. With the FCC's determination, staff believes that the Commission can order balloting if a community of interest is found to exist on the BellSouth interLATA route in this docket.

DISCUSSION OF ISSUES

**ISSUE 1:** Is there a sufficient community of interest on the routes listed in Table A to justify surveying for non-optional extended area service as currently defined in the Commission rules, or implementing an alternative toll plan?

TABLE A

REQUESTED INTERLATA ROUTES FOR EAS	
FROM:	TO:
Haines City (Except Poinciana 427 pocket)	Kissimmee, West Kissimmee
Haines City	Orlando, Lake Buena Vista, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden, St. Cloud
Haines City (including 427 Poinciana pocket)	Orlando, Lake Buena Vista, Windermere, Reedy Creek, Winter Park, Clermont, Winter Garden, St. Cloud

**RECOMMENDATION:** Based on the testimony, staff does not believe that a sufficient community of interest exists to warrant surveying the Haines City exchange (Polo Park pocket) for flat rate non-optional EAS on the routes at issue. However, staff believes that a sufficient community of interest exists to warrant an alternative form of toll relief on the Haines City/Orlando, Haines City/Kissimmee, Haines City/West Kissimmee, Haines City/Lake Buena Vista, Haines City/Reedy Creek, and Haines City/Celebration routes. Staff does not believe that any of the remaining routes warrant an alternative form of toll relief. Staff notes that the Haines City/Reedy Creek route was included to avoid leapfrogging. Staff also notes that the Celebration exchange was created after this docket was initiated, and is located in the center of the petitioners requested routes. Specifically, staff recommends that the Commission order BellSouth, GTEFL, Sprint-United, and Vista-Sprint to implement ECS on the routes cited above, except the Haines City/Orlando route. Residential customers should pay \$.25 per call regardless of duration, and business calls should be rated at \$.10 for the first minute and \$.06 for each additional minute. IXCs may continue to carry the same type of traffic on those routes that they are now authorized to carry. ECS should be implemented on these routes as soon as possible, but not to exceed six months from the issuance of an order resulting from this recommendation. The Haines City/Orlando route involves BST, and BST is prohibited

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by the Telecommunications Act of 1996 from originating interLATA traffic that is not toll-free EAS. The Commission has a hearing scheduled to determine the feasibility of one-way interLATA ECS. (WIGGINS)

POSITION OF THE PARTIES

BELLSOUTH: In the absence of traffic data, BellSouth can reach no conclusion as to whether a community of interest exists on the Haines City to Orlando route (the only BellSouth route at issue). If the Commission orders an alternative plan, BellSouth believes that the ECS Plan is the most appropriate.

GTEFL: This question cannot be answered because the calling statistics required to determine community of interest under the Commission's rules are not available. Because the Commission cannot resolve this issue, it should not order any type of mandatory toll relief.

POLO PARK: Because of the unique location of Polo Park and the surrounding 32 residential communities, we feel this a sufficient community of interest.

SPRINT-UNITED: No. Commission Rule 25-4.060 (3) states that a sufficient community of interest exists when the calling rate exceeds three Messages Per Access Line Per Month (M/A/Ms) and 50% of the subscribers in the exchange make two or more calls per month. Traffic on the routes in this docket does not meet either criteria.

VISTA-UNITED: No. Commission Rule 25-4.060 (3) states that a sufficient community of interest exists when the calling rate exceeds three Messages Per Access Line Per Month (M/A/Ms) and 50% of the subscribers in the exchange make two or more calls per month. Traffic on the routes in this docket does not meet either criteria.

STAFF ANALYSIS: The petitioners contend that because of Polo Park's unique location in the four county convergence area (Lake, Orange, Osceola, and Polk) and the burgeoning growth rate, there is a sufficient community of interest to warrant surveying for flat rate non-optional EAS on the requested routes. The petitioners argue that special consideration should be given to the pocket area of northern Haines City because its community of interest differs from the residents within Haines City. The petitioners maintain that testimony presented at the public hearing clearly indicates that the Polo Park pocket area's community of interest is Orlando, Kissimmee, and Lake Buena Vista. Of the 47 citizens that testified

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at the public hearing, all of them supported the request for flat rate non-optional EAS or some alternative form of toll relief. (BR p.1; TR 13-107, 200-304) Several witnesses indicated that they support EAS with the full knowledge it would require a rate increase. (Hilkin TR 206; Noak TR 21; Romans TR 29; Garmon TR 248) Additionally, numerous witnesses indicated that they depend on the Orlando, Kissimmee, West Kissimmee and Lake Buena Vista areas for their business services, personal needs, and employment. (Schueuer TR 21-23; Reininghaus TR 36-38; Chapman TR 54-57; Dalrymple TR 63-65)

Several witnesses state that they use doctors and medical facilities located in Orlando, Kissimmee, West Kissimmee and Lake Buena Vista. (Chapman TR 54-57; Reininghaus TR 36-38; Snider TR 77-79; Tela 297-301) Polo Park's witness Hilkin maintains that while Haines City has its own medical facilities, hospital, and doctors, the medical facilities are lacking considerably in quality. Witness Hilkin contends that many residents of the area use medical facilities in the Orlando and Kissimmee areas because of the higher level of quality care, and they want to receive the best care for their money. (Hilkin TR 200-221) Additionally, witnesses Dubay and Vendetti argue that Haines City does not have the medical facilities to accommodate individuals that need major surgery and specialty care. (Dubay TR 15-18; Vendetti TR 58-60) For instance, witness Vendetti asserts that he incurred costly long distance charges calling doctors in Orlando regarding radiation treatments. Witness Reininghaus also states that it is wrong when citizens cannot call their doctor or pharmacist without incurring long distance charges. (TR 36-38) Witness Hilkin points out that it is virtually the same geographic distance from Polo Park to medical facilities in Orlando, Kissimmee, and Lake Buena Vista as it is to Haines City's medical facilities. (TR 200-221)

Numerous witnesses contend that they conduct business and are employed in Orlando, Kissimmee, West Kissimmee, and Lake Buena Vista. (Reininghaus TR 36-38; Scheuer TR 21-23; Malloy TR 67-69; Saumell TR 73-74; Williams TR 290-291) Witness Romans states that Disney is the largest employer of residents in the area. (TR 32) Witness Reininghaus maintains that an estimated ten percent (10%) of Disney's employees live in the northern Haines City area. The witness further contends that at least 4,000 people work 8 to 12 miles away and cannot call their employer without incurring long distance charges. (Reininghaus TR 36-39) Witness Chapman indicates that her husband works at Disney, and last month they made 47 long distance calls to the 407 area code. Of those calls, the witness asserts that 18 were made to Disney regarding work activities. She also states that this is costly because they average \$100 per month in long distance charges. (Chapman TR 54-

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57) Additionally, witness Malloy, who operates a home business in the Polo Park area, asserts that for the month of May of 1996, she made 157 work related long distance calls to the Disney area (Celebration and Lake Buena-Vista exchanges). Witness Malloy argues that her phone bill averages \$350 per month. The witness notes that being self employed, the long distance charges cut directly into the profit of the business. (TR 68-70) Furthermore, witness Williams, a hotel owner, states that it is difficult to conduct business in the area because of the long distance charges. Witness Williams maintains that 90% of his hotel's guests are there primarily to see Disney and attractions in the Orlando area. The witness indicates that the guests do not understand why it's long distance to call the Disney area, when you can practically see it from the hotel. He notes that guests are likely to reserve hotels in the Orlando area on their next visit to avoid incurring long distance charges. (TR 290-292)

Many witnesses contend that they rely on Orlando, Kissimmee, and West Kissimmee for their goods and professional services. (Boulton TR 24-25; Snider TR 78; D'Agostino 242-244; Weiner TR 261) For example, witness Snider asserts that she uses lawyers, CPAs, and other various services in those areas. (TR 78) Witness Weiner states that he uses the movie theaters at Pleasure Island because there are no theaters in the Polo Park area. (TR 260-261) Witness D'Agostino notes that she and Mr. D'Agostino patronize businesses in the Orlando/Kissimmee area for their shopping and personal needs because Haines City has a very limited number of shopping centers. She further asserts that since they use the Orlando/Kissimmee area for most of their needs, the majority of their phone calls are to the 407 area code. Witness D'Agostino also maintains that they made 48 calls to the 407 area code in May of 1996 which was very costly. (D'Agostino TR 242-245)

BellSouth's witness Stanley states that BellSouth does not support flat rate non-optional EAS between Orlando and Haines City. Witness Stanley asserts that Rule 25-4.060(3) is clear on the traffic and distribution of calls requirements. The witness contends that in the absence of traffic and distribution data, BellSouth has no way of knowing that these requirements have been met. He also states that if the Commission believes that some toll relief is justified, BellSouth recommends an alternative plan such as ECS. (TR 119)

BellSouth's witness Stanley notes that because the Orlando to Haines City route is an interLATA route, BellSouth would be required to obtain a waiver in order to provide service between Orlando and Haines City. Witness Stanley points out that

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traditionally such waivers were only given for non-optional EAS not ECS. (TR 117)

Sprint-United's witness Harrell contends that there is not a sufficient community of interest on the routes at issue in this docket to justify surveying for flat rate non-optional EAS. Witness Harrell asserts that the traffic study results reflect calling rates from the Sprint-United exchanges to the Haines City exchange. Witness Harrell maintains that the results were not sufficient to meet the Commission's messages per access line per month (M/A/M) or distribution requirements to qualify for balloting for EAS on any of the routes. The witness also states that the calling patterns on the routes do not support the implementation of any form of toll relief. (TR 192-195)

Witness Harrell notes that Sprint-United conducted traffic studies on the following routes:

Kissimmee and West Kissimmee to Haines City (excluding the Poinciana 427 except pocket)

Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (excluding the Poinciana 427 except pocket)

Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (including the Poinciana 427 pocket) (TR 192-195)

Witness Harrell maintains that on the West Kissimmee, Kissimmee to Haines City (excluding the Poinciana 427 except pocket) routes, 90% of the residential customers made no calls. The witness states that on the Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (excluding the Poinciana 427 except pocket) routes, 92% of the residential customers on the route with the highest calling volume made no calls. She further states that on the Windermere, Reedy Creek, Clermont, Winter Garden, Winter Park and St. Cloud to Haines City (including the Poinciana 427 pocket) routes, 98% of the residential customers on the route with the highest calling volume made no calls. (TR 192-195)

Although the calling rates from the requesting exchange remain unknown, Sprint-United's witness Harrell states that history on previously studied routes can be used to provide estimates. Witness Harrell contends that she reviewed fourteen intraLATA routes that were studied by Sprint-United. The witness explains that even though the studied routes were intraLATA, she felt that

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the routes would have the same type of calling. Witness Harrell asserts that the traffic volume on the routes varied greatly with a 51% variation being the most extreme difference between the originating and terminating exchange calling rates. She points out that based on the calling volumes, none of Sprint-United's routes at issue come close to meeting the Commission's requirements to survey for non-optional flat rate EAS. Witness Harrell notes that if the calls on the Sprint-United's routes were multiplied by five, the resulting M/A/M would still fall short of the Commission's requirements for balloting. (TR 192-198)

Vista-United asserts that the calling volumes for its routes in this docket do not come close to meeting the community of interest qualifications outlined in Rule 25-4.060 (3). Vista-United contends that the rule states that a sufficient degree of community of interest between exchanges, sufficient to warrant further proceedings, will be considered to exist when the combined two-way calling rate over each interexchange route under consideration equals or exceeds two (2) messages per access line per month (M/A/M) and fifty percent (50%) or more of the subscribers in the exchanges involved make one or more calls per month. The Company maintains that the calling volumes identified are not sufficient to warrant further consideration for any form of toll relief. (EXH 2, p.3)

In its brief, GTEFL states that before the Commission orders any form of toll relief, it must determine that a sufficient community of interest exists. GTEFL contends that the Commission's rules require that a community of interest is to be evaluated through detailed usage studies calculating customers' monthly calling statistics between exchanges involved in an EAS request. GTEFL notes that the rules prescribe specific calling levels that must be met for the Commission to find a preliminary showing of community of interest. GTEFL maintains that if the interexchange traffic patterns over any given route do not meet these prescribed community of interest qualifications, the Commission may then consider other unspecified community of interest factors. GTEFL argues that while alternatives to non-optional, flat rate EAS may be ordered even if the rules' traffic requirements are not met, the Commission is still required to study interexchange traffic patterns before ordering any alternate relief. (BR p.2)

GTEFL's witness Robinson, however, argues that in this case the calling data which the Commission needs to evaluate community of interest are unavailable. Witness Robinson points out that the requested routes are interLATA, which are served by interexchange carriers, rather than GTEFL. The witness states that in the past GTEFL was able to compile complete interLATA toll

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statistics because it performed rating and recording of calls for AT&T; however, AT&T took these functions back, and GTEFL no longer has access to the toll data. Witness Robinson notes that the Commission, in March of 1994, excused GTEFL from filing interLATA traffic data in this docket and recognized that GTEFL is unable to provide traffic data in the format required by the EAS rules. The witness further asserts that in the absence of the toll calling data, it is impossible for the Commission to determine whether a sufficient community of interest exists to survey for EAS or an alternative toll relief plan. (Robinson TR 128-129; TR 142-143)

Conversely, GTEFL's witness Robinson notes that it is obvious that a community of interest exists because 300 citizens attended the public hearings. Witness Robinson points out that the public witnesses clearly indicate that there is strong demand and community of interest. (TR 143) GTEFL asserts that it believes the petitioners deserve some form of toll relief, but no mandatory EAS or alternative toll relief plans should be imposed. GTEFL recommends its local calling plan (LCP) options among which customers could choose as alternatives to their current service. GTEFL maintains that because customers have diverse calling needs and patterns, its LCPs are the best way to meet each customer's differing need. Additionally, GTEFL contends that this customized and fully optional approach is more customer-oriented than any one-size-fits-all plan. (BR p.1; Robinson TR 143-150)

Staff agrees with GTEFL, Sprint-United, and Vista-United that there is not ample evidence to conclude that a sufficient community of interest exists to warrant surveying the Haines City exchange (Polo Park Pocket) for flat rate non-optional EAS from Haines City to all exchanges at issue in this docket. Staff acknowledges that the public witnesses presented valid arguments that the northern Haines City area's community of interest encompasses the requested routes. Staff, however, does not believe that the arguments expressed by the witnesses concerning the community of interest factors were sufficient to demonstrate that a significant level of community of interest exists between the Haines City exchange and the exchanges at issue to warrant surveying for flat rate, non-optional EAS. (Hilkin TR 200-221; D'Agostino TR 242-245; Reininghaus TR 36-39)

While several witnesses contend that they use doctors and medical facilities in Orlando, West Kissimmee, and Kissimmee, staff notes that Haines City has its own medical facilities, physicians, and hospital. Staff appreciates the witnesses' desire to call their chosen medical facilities and physicians, however, we do not believe this is sufficient cause to order a survey for flat rate

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non-optional EAS on the requested routes. (Chapman TR 54-57; Reininghaus TR 36-38; Snider TR 77-79; Hilkin TR 200-221)

Staff notes that many witnesses indicate that they conduct business and are employed in Orlando, Kissimmee, West Kissimmee and Lake Buena Vista. Staff also notes that some witnesses assert that Disney is the largest employer of residents in the Polo Park area, and they cannot contact their employer without incurring toll charges. Although staff understands the arguments presented by the witnesses concerning toll charges incurred when contacting their employer, we do not believe it is the Commission's responsibility to expand the local calling scope to alleviate toll charges for calls to private employers. (Chapman TR 54-57; Reininghaus TR 36-38; Snider TR 77-79; Tela TR 297-301)

Staff points out that a number of witnesses maintain that they depend on Orlando, Kissimmee, and West Kissimmee for goods and services. Staff notes that one witness indicates that he uses movie theaters at Pleasure Island because there are no theaters in the Loughman area (Polo Park area). While staff acknowledges the witnesses arguments regarding their use of goods and services from the exchanges discussed above, we do not believe the arguments are sufficient to alter the conclusion regarding flat rate non-optional EAS. (Boulton TR 24-25; Snider TR 78; D'Agostino 242-244; Weiner TR 260-261)

With the absence of traditional traffic data, BellSouth's witness Stanley indicates that BellSouth has no way of knowing if the Commission's requirements have been met on the requested route. Witness Stanley indicates that in order for BellSouth to provide an alternative form of toll relief on the interLATA route, it would have to obtain a waiver which traditionally has been granted only for EAS, not ECS. (Stanley TR 117-119) Staff notes that in Order No. 97-244, issued July 15, 1997, the FCC determined that optional, measured extended local calling services (ELCS) was not appropriate because it would allow the BOCs to provide what would be interLATA toll service without first meeting the requirements of Section 271 of the Telecommunications Act of 1996. Additionally, staff points out since BOCs are prohibited from originating interLATA ECS, the Commission has scheduled hearings to determine the feasibility of one-way ECS on interLATA routes.

Although the calling rates from the requesting exchange remain unknown, Sprint-United's witness Harrell asserts that the calling rates from Sprint-United's exchanges to the Haines City exchange do not support implementation of any form of toll relief. (Harrell TR 192-195) While staff acknowledges that the Sprint-United routes at issue do not warrant surveying for flat rate non-

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optional EAS, we do believe that the routes warrant an alternative form of toll relief (ECS).

GTEFL contends that in order to implement any form of toll relief the Commission's rules require that traffic data must be considered along with other community of interest factors to determine if a sufficient community of interest exists. With the absence of the calling data traditionally used to evaluate community of interest as required by the Commission's rules, GTEFL's witness Robinson asserts that it is impossible for the Commission to determine that a sufficient community of interest exists to survey for flat rate non-optional EAS, or to implement an alternative form of toll relief. Staff disagrees. Staff notes that Rule 25-4.060(5), Florida Administrative Code, states that in the event the interexchange traffic patterns on any given route do not meet the community of interest qualifications, the Commission may consider other community of interest factors. Since the calling data the Commission uses to initially evaluate community of interest was not available, staff believes that Rule 25-4.060(5) gives the Commission the authority to solely consider other factors to determine if a community of interest exists. (BR pp. 2-3; Robinson TR 128-129; TR 142-144)

Based on the testimony, staff does not believe that a sufficient community of interest exists to warrant surveying the Haines City exchange (Polo Park pocket) for flat rate non-optional EAS on the routes at issue. However, staff believes that a sufficient community of interest exists to warrant an alternative form of toll relief on the Haines City/Orlando, Haines City/Kissimmee, Haines City/West Kissimmee, Haines City/Lake Buena Vista, Haines City/Reedy Creek, and Haines City/Celebration routes. Staff does not believe that any of the remaining routes warrant an alternative form to toll relief. Staff notes that the Haines City/Reedy Creek route was included to avoid leapfrogging. Staff also notes that the Celebration exchange was created after this docket was initiated, and is located in the center of the petitioners requested routes. Specifically, staff recommends that the Commission order BellSouth, GTEFL, Sprint-United, and Vista-Sprint to implement ECS on the routes cited above, except the Haines City/Orlando route. Residential customers should pay \$.25 per call regardless of duration, and business calls should be rated at \$.10 for the first minute and \$.06 for each additional minute. IXCs may continue to carry the same type of traffic on those routes that they are now authorized to carry. ECS should be implemented on these routes as soon as possible but not to exceed six months from the issuance of an order resulting from this recommendation. The Haines City/Orlando route involves BST, and BST is prohibited by the Telecommunications Act of 1996 from originating interLATA

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traffic that is not toll-free EAS. The Commission has a hearing scheduled to determine the feasibility of one-way interLATA ECS.

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ISSUE 2: What other community of interest factors should be considered in determining if either an optional or non-optional toll alternative should be implemented on these routes?

RECOMMENDATION: Other community of interest factors may include location of schools, fire and police departments, medical and emergency facilities, access to local government, location of workplace, and access to goods and services, such as shopping centers and location of social activities (theater, sports, etc).  
(WIGGINS)

POSITION OF THE PARTIES

BELLSOUTH: BellSouth has no position.

GTEFL: If, contrary to GTEFL's analysis, the Commission finds it has the authority to consider other community of interest factors without first evaluating calling statistics, such factors could include location of schools, shopping areas, medical services, work centers, and the like.

POLO PARK: Since no calling volume records are available from any telephone companies, we submitted our February 19, 1996, letter with testimony and exhibits the marked Exhibit "A" shows, in short period of time, pattern of usage from small cross section of users typical usage to routes in question.

SPRINT-UNITED: Additional community of interest factors often included are the location of schools, fire/police departments, medical/emergency facilities and county government. Davenport is in Polk County, and the traditional factors for that exchange reside within that county; therefore, traditional community of interest factors are not present.

VISTA-UNITED: Additional community of interest factors often included are the location of schools, fire/police departments, medical/emergency facilities and county government. Davenport is in Polk County, and the traditional factors for that exchange reside within that county; therefore, traditional community of interest factors are not present.

STAFF ANALYSIS: The petitioners state that the calling patterns in the exhibits attached to their testimony indicate patterns of usage on the requested routes. (BR p.1)

Sprint-United's witness Harrell states that additional community of interest factors may be considered such as location of schools, fire/police departments, medical emergency facilities and

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county governments. Witness Harrell notes that none of the community of interest factors for Sprint-United exchanges are located in Polk County. The witness further asserts that Sprint-United is not aware of any additional community of interest factors for the Haines City exchange that would justify surveying for flat rate non-optional EAS. (TR 195)

In its brief, Sprint-United points out that the testimony at the public hearing did not reflect a need to call schools, fire/police departments, medical emergency facilities, and the county government. Sprint-United contends that the testimony strongly supported the need to call nearby neighbors, doctors, places of business and employment. Sprint-United maintains that if any form of toll relief is being considered, it should include only the exchanges for which a community of interest was demonstrated through testimony. (Sprint-United, BR p.4)

Vista-United contends that it fully supports the testimony of Sprint-United's witness Harrell on this issue. (Vista-United, BR p.3)

GTEFL's witness Robinson states that if the Commission determines that it has the authority to order either an optional or non-optional toll alternative plan despite the lack of traffic data, it will be compelled to base its decision on unquantifiable, societal factors. Witness Robinson asserts that such factors include the location of school district boundaries, major shopping areas, medical services, large plants or offices, and natural neighborhood boundaries not coincident with exchange boundaries. The witness contends that the Commission's rules contemplate consideration of these ultimately unmeasurable elements only in conjunction with traffic data, as stand alone reasons for pursuing an EAS request. (TR 130)

Staff notes that the petitioners do not provide an in-depth discussion of what community of interest factors they believe are relevant.

Staff agrees with the parties that other community of interest factors may include location of schools, fire and police departments, medical and emergency facilities, access to local government, location of workplace, and access to goods and services, such as shopping centers and social activities (theater, sports, etc). Since traditional calling data is unavailable from GTEFL on the requested routes, staff notes that the Commission must base its determination on the community of interest factors discussed above.

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ISSUE 3: If a sufficient community of interest is found on any of these routes, what is the economic impact of each plan on the company (summarize in chart form and discuss in detail)?

RECOMMENDATION: A) If the Commission denies staff's recommendation in Issue 1 and determines that EAS is warranted, the 25/25 plan with regrouping is calculated by adding twenty-five percent (25%) of the rate group schedule for the number of access lines to be newly included in the exchange's calling scope. The regrouping additive is the difference in rates between the exchange's original rate group and the new rate group into which the exchange will fall with its expanded calling scope. Staff points out that two-way EAS would force the West Kissimmee, Kissimmee, and St. Cloud exchanges to be regrouped from a rate group three to rate group four. Rule 25-4.063(1) states that increased rates from either regrouping or the use of a mandatory incremental charge for EAS, or both, the Commission will order a survey for all subscribers so affected. In order to comply with the Commission's rule, staff notes that the West Kissimmee, Kissimmee, and St. Cloud exchanges would also have to be surveyed for EAS.

B) Under ECS, residential customers should pay \$.25 per call regardless of duration, and business calls should be rated at \$.10 for the first minute and \$.06 for each additional minute.

C) The evidence presented does not support any other toll relief plans. (WIGGINS)

#### POSITION OF THE PARTIES

BELLSOUTH: Each plan would have some economic impact on BellSouth because the company would have to incur costs to provide facilities to implement any plan. BellSouth does not, however, have the data necessary to quantify these costs.

GTEFL: Without interexchange calling data, GTEFL cannot determine the economic effect of EAS or any Commission-mandated alternative plans, such as extended calling service or measured ECS. GTEFL's LCPs would obviate any need for the Commission to resolve the economic impact question.

POLO PARK: This economic issue, it would appear to us, can only be addressed by the telephone companies represented in this docket.

SPRINT-UNITED: The West Kissimmee, Kissimmee and St. Cloud exchanges would be regrouped from rate group three to rate group four. There would be an average annual revenue gain of \$253,000,

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which does not reflect the additional costs incurred for facilities or other administrative costs.

VISTA-UNITED: No position.

STAFF ANALYSIS: Staff notes that the petitioners did not address this issue.

BellSouth's witness Stanley states that without supporting data, BST is unable to determine its access revenue loss. Witness Stanley maintains that BST would incur additional costs associated with either leasing or constructing facilities in order to complete calls between Orlando and Haines City, since the Company is prohibited from transporting interLATA calls. The witness asserts that since BST does not know the traffic volumes, it is unable to estimate the cost. (TR 118)

BellSouth's witness Stanley notes that at this time, it does not know what effect the new federal legislation will have on its ability to provide a calling plan between Orlando and Haines City. Witness Stanley, however, contends that BST believes that it will be some time before BST will be allowed to compete in the interLATA long distance market. The witness also asserts that then BST will only be allowed to compete under the FCC's guidelines. (TR 118)

If the Commission determines that EAS is appropriate, Sprint-United's witness Harrell contends that the West Kissimmee, Kissimmee and St. Cloud exchanges would be regrouped from rate group three to rate group four, as a result of the increased local calling scope. Witness Harrell notes that the regrouping will cause customers of those exchanges to incur an increase in their basic local service rate. Witness Harrell asserts that there would be an average annual revenue gain of \$253,000, which does not reflect the additional costs incurred for facilities or other administrative costs. (BR pp. 4-5; TR 196)

If the Commission determines that ECS is appropriate, Sprint-United's witness Harrell states that based on the monthly calling volumes reflected in the traffic studies, the estimated revenue impact to Sprint-United would be a loss of \$218,000. Witness Harrell maintains that with a 50% stimulation the Company's estimated annual revenue loss would be \$124,488. The witness asserts that this figure does not reflect the additional costs incurred for facilities that will need to be constructed or leased and other administrative costs. (BR pp.4-5; TR 195-199)

GTEFL'S witness Robinson contends that the Commission's legal authority to order EAS or an alternative interLATA plan without

traffic data is dubious. Witness Robinson asserts that GTEFL's responses to options A and B below assume that the Commission can develop a legally acceptable way of reliably measuring community of interest in the absence of toll traffic statistics. The witness notes that given the hypothetical parameters, the estimated economic impact is as follows: (GTEFL, BR pp.5-7; TR 131-152)

- A) EAS with 25/25 plan and regrouping: The financial impact on the Company would be determined using current regrouping and 25% additive guidelines. This exercise would indicate that the R1 rate would change from the existing \$10.86 to \$14.76 if all routes were included. This yields approximately \$1,300,000 in annual revenue. This figure, however, must be reduced by the amount of GTEFL's displaced access revenues and a potentially additional expense charged to GTEFL for terminating access for each minute of EAS calls the Company terminates to a customer of another local exchange company. GTEFL cannot calculate these displaced revenues and expenses without the kind of IXC data that is now unavailable. Therefore, GTEFL cannot reliably estimate the annual net gain or loss of this type of plan at this time. (BR pp.6-7; TR 131-152)
- B) Alternative interLATA toll plan. This option contemplates an extended calling service (ECS) plan or modified ECS (MECS) rather than EAS. This type of plan would be designed to be revenue neutral to GTEFL. All access revenue loss combined with new access expense would be added and spread in some fashion to all Haines City customers in a combination of per line additives and current message rates for business. Because these calculations would require additional data from the IXCs, GTEFL cannot determine monthly line additive levels. (BR pp.6-7; TR 131-152)
- C) Other. This alternative includes the market oriented approach GTEFL has recommended with its local calling plans (LCPs). The Commission would not be required to consider the economic effect of implementation of the LCPs on the GTEFL. This fully optional plan would avoid any problems of Commission compliance with the prerequisites for implementing toll relief. (BR pp.6-7; TR 131-152)

GTEFL's witness Robinson states that if sufficient demand exists, the Company would offer its LCP on a fully optional basis. Witness Robinson contends that the great strength of this approach is that it does not force all customers to pay for expanded local calling they may not need or want. The witness asserts that each customer could choose the option that best meets his or her local

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calling needs and budget. Witness Robinson maintains that the array of options would meet the diverse calling needs of all customers, while satisfying the existing state statutory cap on basic local service rates. The LCPs are detailed below. (TR 133-134)

**BASIC CALLING:** The customer pays a reduced local access line rate and all local calls, including calls to their home exchange (Haines City), as well as those to their current and expanded local calling area, are billed at optional local measured usage rates on a per minute basis. The R1 rate for this option is estimated to be between \$6.75 and \$7.25, while the B1 rate would be between \$17.00 and \$18.00. (TR 133-152)

**COMMUNITY CALLING:** The customer pays a slightly reduced local access line rate and has flat rate calling to his home exchange only. All other local calls within the current and expanded local calling area are billed at local measured usage rates. The R1 rate estimate would be between \$9.50 and \$10.50. B1 customers would not be offered this option. (TR 133-152)

**COMMUNITY PLUS:** The customer pays a higher rate for local access in comparison to his current flat rate service. He has flat rate calling to the home exchange's current local calling scope and calling to 10 additional exchanges at measured usage rates. The R1 rate estimate would be between \$13.25 and \$14.25, while the B1 rate estimate would be between \$32.00 and \$36.00. (TR 133-152)

**PREMIUM CALLING:** The customer pays a premium flat rate and may make an unlimited number of calls, without regard to duration, to all exchanges within the current and the expanded local calling area. The R1 estimate would be between \$25.00 and \$40.00. This option would not be available to business customers. (TR 133-152)

While GTEFL indicates that its LCPs are fully optional usage sensitive plans that will comply with the statutory cap for basic local service rates, staff notes the this docket is being governed by the old law prior to price caps so basic local service caps are not applicable. Although GTEFL asserts that the proposed LCPs offer four discounted calling plans, staff points out that the plans are confusing and costly which actually penalizes customers rather than providing toll relief. Staff further notes that in order for the Commission to consider implementation of option (C), it would need firm rates for each of the various options. Staff points out that the rate ranges provided by GTEFL are not price specific, which hinders the Commission's consideration of the feasibility of this option.

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If the Commission denies staff's recommendation in Issue 1 and determines that surveying for EAS is appropriate, the 25/25 plan with regrouping is calculated by adding twenty-five percent (25%) of the rate group schedule for the number of access lines to be newly included in the exchange's calling scope. The regrouping additive is the difference in rates between the exchange's original rate group and the new rate group into which the exchange will fall with its expanded calling scope. Staff points out that two-way EAS would force the West Kissimmee, Kissimmee, and St. Cloud exchanges to be regrouped from a rate group three to rate group four. Rule 25-4.063(1) states that increased rates from either regrouping or the use of a mandatory incremental charge for EAS, or both, the Commission will order a survey for all subscribers so affected. In order to comply with the Commission's rule, staff notes that the West Kissimmee, Kissimmee, and St. Cloud exchanges would be surveyed for EAS. Under the 25/25 plan with regrouping, Sprint-United and GTEFL state that their revenues would increase. Staff supports the 25/25 plan with regrouping as proposed by BST, GTEFL, and Sprint-United if the Commission denies staff's recommendation in Issue 1. (Robinson TR 131-133; Sprint-United BR pp.4-5; Harrell TR 195-199)

If the Commission determines that ECS is appropriate, staff believes that residential customers should pay \$.25 per message regardless of duration, and business call should be rated at \$.10 for the first minute and \$.06 for each additional minute.

Staff does not support the alternative plan (option C) offered by GTEFL called LCP. Staff notes that if LCP was approved the economic impact is dependent on subscriber participation which cannot be determined unless implemented. Based on the evidence presented by the Company, staff is unable to determine the economic impact of option C.

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ISSUE 4: Should subscribers be required to pay an additive as a prerequisite to surveying for extended area service or an alternative interLATA toll plan? If so, how much of a payment is required and how long should it last?

RECOMMENDATION: Yes. If the Commission denies staff's recommendation in Issue 1 and determines that the Haines City subscribers should be balloted for EAS, the subscribers should be required to pay an additive. Specifically, the subscribers should be balloted under the 25/25 plan with regrouping. The 25/25 additive should remain in effect for no more than 4 years, after which time the additive should be removed. If ECS is determined to be appropriate, no additive is needed. (WIGGINS)

POSITION OF THE PARTIES

BELLSOUTH: BellSouth has no position.

GTEFL: GTEFL believes that each customer should be able to choose whether he wants to change his service, including whether he wants to pay any additional money for monthly service. Although GTEFL recommends against any non-optional plan with or without an additive, customers should be surveyed if the Commission orders any such plan.

POLO PARK: We do not feel an additive is in order under any of the plans.

SPRINT-UNITED: The routes in this docket do not meet the Commission requirements for any form of toll relief. However, should the Commission determine that EAS is appropriate, the 25/25 Plan with Regrouping should be ordered.

VISTA-UNITED: No position.

STAFF ANALYSIS: The petitioners do not believe that an additive is appropriate for any form of toll relief. (BR p.2)

Sprint-United contends that it does not believe that the requested routes warrant any form of toll relief. However, Sprint-United states that should the Commission determine that EAS is appropriate, it supports the 25/25 plan with regrouping. (BR p.5)

GTEFL maintains that any toll relief granted to the petitioners should be fully optional. GTEFL's witness Robinson states that if a survey is ordered, customers should be informed that any mandatory local area expansion approved by a majority of the customers would require all customers to pay a monthly

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additive. Witness Robinson contends that if the Commission orders EAS or a toll alternative, the additive should continue indefinitely. (BR p.8; TR 136)

Staff notes that GTEFL and Sprint-United endorse the additive under the 25/25 plan with regrouping. Staff, however, disagrees with GTEFL's proposal that the additive should remain in effect indefinitely. Staff points out that historically the additive has remained in effect for three or four years depending on the economic impact of each EAS case. Since this docket is no exception, staff recommends that the additive remain in effect for four years.

The appropriateness of an additive was discussed extensively by the parties in Issue 3. Staff believes that an additive is appropriate for flat rate non-optional EAS. If the Commission denies staff's recommendation in Issue 1 and determines that Haines City subscribers should be surveyed for EAS, staff believes that the subscribers should pay an additive under the 25/25 plan with regrouping. The 25/25 additive is calculated by adding twenty-five percent (25%) of the rate for the rate group schedule for the number of access lines to be newly included in the exchange's calling scope. The regrouping additive is the difference in rates between the exchange's original rate group and the new rate group into which the exchange will fall with its expanded calling scope. Staff believes that the 25/25 additive should remain in effect for no more than 4 years, after which time the additive should be removed. We believe that 4 years is sufficient time for the involved LECs to recover the costs of implementing flat rate non-optional EAS without overly burdening the customer.

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ISSUE 5: If a sufficient community of interest is found, what are the appropriate rates and charges for the plan to be implemented on these routes?

RECOMMENDATION: If EAS is determined to be appropriate, staff recommends that the rates be determined under the 25/25 plan with regrouping as outlined in Tables B and C. Haines City subscribers should be surveyed within 45 days of the issuance of the order from this recommendation. GTEFL should submit the newspaper advertisement for staff's review prior to publication. The survey letter and ballot should be submitted to staff for review prior to distribution to its customers. Additionally, GTEFL should provide staff with a copy of the published newspaper advertisement and the dates run. However, if the Commission determines that ECS should be implemented, staff believes that residential customers should pay \$.25 per message regardless of duration, and business calls should be rated at \$.10 for the first minute and \$.06 for each additional minute. IXCs may continue to carry the same type of traffic on those routes that they are now authorized to carry. ECS should be implemented on these routes as soon as possible but not to exceed six months from the issuance of an order resulting from this recommendation. (WIGGINS)

POSITION OF THE PARTIES

BELLSOUTH: BellSouth has no position.

GTEFL: Rates and charges for non-optional toll relief would be determined through customary methods. GTEFL's optional LCPs would be priced to cover their costs and assure customers attractive calling options that closely fit their needs.

POLO PARK: Polo Park and surrounding communities are not in a position to address this issue.

SPRINT-UNITED: If the Commission finds that a sufficient community of interest exists, Extended Calling Service should be ordered.

VISTA-UNITED: No position.

STAFF ANALYSIS: The appropriateness of an additive was discussed extensively by all parties in Issue 4. Staff contends that if the Commission determines that Haines City subscribers should be surveyed for EAS, staff believes that the subscribers should be surveyed for EAS under the 25/25 plan with regrouping.

GTEFL's witness Robinson asserts the appropriate rates and charges should be determined under the 25/25 plan. (Robinson TR

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136-137; BR pp.15-16) Sprint-United, however, states that if the Commission determines that a sufficient community of interest exists, ECS should be implemented. (Sprint-United BR p.5)

If the Commission determines that EAS is appropriate, staff recommends that the rates be determined under the 25/25 plan with regrouping. The proposed rates are as follows:

TABLE B

HAINES CITY (RG-3)	PRESENT RATE	25/25 ADDITIVE	REGROUPING	TOTAL ADDITIVE	NEW RATE
R-1	\$10.86	\$2.95	\$ .95	\$3.90	\$14.76
B-1	\$27.45	\$7.48	\$2.45	\$9.93	\$37.38
PBX	\$49.60	\$13.01	\$2.45	\$15.46	\$65.06

TABLE C

HAINES CITY (POINC 427) (RG-2)	PRESENT RATE	25/25 ADDITIVE	REGROUPING	TOTAL ADDITIVE	NEW RATE
R-1	\$10.41	\$2.95	\$1.40	\$4.35	\$14.76
B-1	\$26.25	\$7.48	\$3.65	\$11.13	\$37.38
PBX	\$48.40	\$13.01	\$3.65	\$16.66	\$65.06

If EAS is determined to be appropriate, Haines City subscribers should be surveyed within 45 days of the issuance of the order from this recommendation. GTEFL should submit the newspaper advertisement for staff's review prior to publication. The survey letter and ballot should be submitted to staff for review prior to distribution to its customers. Additionally, GTEFL should provide staff with a copy of the published newspaper advertisement and the dates run. However, if the Commission determines that ECS should be implemented, staff believes that residential customers should pay \$.25 per message regardless of duration, and business calls should be rated at \$.10 for the first minute and \$.06 for each additional minute. IXC's may continue to carry the same type of traffic on those routes that they are now authorized to carry.

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ISSUE 6: If extended area service or an alternative interLATA toll plan is determined to be appropriate, should the customers be surveyed?

RECOMMENDATION: Yes. If the Commission determines that EAS is appropriate, Haines City subscribers should be surveyed within 45 days of the issuance of the order from this recommendation. GTEFL should submit the newspaper advertisement for staff's review prior to publication. The survey letter and ballot should be submitted to staff for review prior to distribution to its customers. Additionally, GTEFL should provide staff with a copy of the published newspaper advertisement and the dates run. However, if the Commission determines that ECS should be implemented, no survey is necessary due to the nature of ECS; only users are affected. (WIGGINS)

POSITION OF THE PARTIES

BELLSOUTH: Yes. Customers should be surveyed regarding any proposed plan.

GTEFL: If the Commission determines that some non-optional plan is appropriate, customers should be surveyed. Without toll traffic data, the survey will be the only indicator of whether customers in general like a particular plan and would be willing to pay a specified, higher amount for it.

POLO PARK: Polo Park is not in a position to answer this question.

SPRINT-UNITED: Yes. If a non-optional plan is determined to be appropriate, the subscribers should be surveyed. All subscribers should have a voice in the implementation of such a plan since all subscribers will pay for the plan if implemented.

VISTA-UNITED: Yes. If a non-optional plan is determined to be appropriate, the subscribers should be surveyed. All subscribers should have a voice in the implementation of such a plan since all subscribers will pay for the plan if implemented.

STAFF ANALYSIS: If the Commission determines that Haines City subscribers should be surveyed for EAS, staff believes that the subscribers should be surveyed for EAS under the 25/25 plan with regrouping. Staff notes that all involved LECs advocate surveying the petitioners if EAS is deemed appropriate. (BST BR p.4; Sprint-United BR p.6; Vista-United BR p.4; GTEFL BR p.17)

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Staff recommends that Haines City subscribers be surveyed within 45 days of the issuance of the order from this recommendation. GTEFL should submit the newspaper advertisement for staff's review prior to publication. The survey letter and ballot should be submitted to staff for review prior to distribution to its customers. Additionally, GTEFL should provide staff with a copy of the published newspaper advertisement and the dates run. However, if the Commission determines that ECS should be implemented, no survey is necessary due to the nature of ECS, only users are affected.

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ISSUE 7: Should this docket be closed?

STAFF RECOMMENDATION: If the Commission determines that the Haines City subscribers should be surveyed for EAS, then this docket should remain open pending the outcome of the survey. If the Commission determines that ECS is appropriate, then this docket should remain open until the Commission determines the feasibility of one-way ECS on the Haines City/Orlando route. In addition, if the Commission denies staff's recommendation in Issue 1 and further determines that no toll relief should be granted, this docket should be closed. (WIGGINS)

STAFF ANALYSIS: If the Commission determines that the Haines City subscribers should be surveyed for EAS, then this docket should remain open pending the outcome of the survey. If the Commission determines that ECS is appropriate, then this docket should remain open until the Commission determines the feasibility of one-way ECS on the Haines City/Orlando route. In addition, if the Commission denies staff's recommendation in Issue 1 and further determines that no toll relief should be granted, this docket should be closed.

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