

FLORIDA PUBLIC SERVICE COMMISSION

FLETCHER BUILDING
101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399-0850

M E M O R A N D U M

JULY 25, 1991

TO : DIRECTOR OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS (O'PRY, WIDELL) *Raw*
DIVISION OF AUDITING AND FINANCIAL ANALYSIS (MAILHOT) *DM*
DIVISION OF LEGAL SERVICES (GREEN) *ls*

RE : DOCKET NOS. 891246-TL, 881543-TL, 880069-TL, 870248-TL
AND 900539-TL - SOUTHERN BELL TELEPHONE AND TELEGRAPH
COMPANY MOTION FOR EXTENSION OF TIME TO IMPLEMENT A
\$.25 PER MESSAGE CALLING PLAN BETWEEN THE GRACEVILLE
EXCHANGE AND THE PONCE DE LEON AND DEFUNIAK EXCHANGE IN
HOLMES AND WALTON COUNTIES; AND CENTRAL TELEPHONE
COMPANY OF FLORIDA'S RESPONSE

AGENDA: AUGUST 6, 1991 - CONTROVERSIAL - PARTIES MAY NOT
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

CASE BACKGROUND

By Order No. 24178 dated February 28, 1991, the Commission ordered Central Telephone Company of Florida (Centel) and Southern Bell Telephone and Telegraph Company (Southern Bell) to implement the \$.25 calling plan on interLATA routes between Southern Bell's Graceville exchange and Centel's Ponce De Leon and DeFuniak Springs exchanges.

Southern Bell was directed to seek a waiver of Judge Greene's Modified Final Judgement. The waiver has not been granted to date and Southern Bell is seeking an extension of time to implement the \$.25 plan on these interLATA routes.

DOCUMENT NUMBER-DATE

07519 JUL 25 1991

DIRECTOR OF RECORDS AND REPORTING

Docket No. 891246-TL
July 25, 1991

DISCUSSION OF ISSUES

ISSUE 1: Should Southern Bell's Motion for an Extension of Time to implement the \$.25 calling plan on the interLATA routes between Graceville and Ponce De Leon and DeFuniak Springs be granted?

RECOMMENDATION: Yes. Southern Bell's Motion should be granted.

STAFF ANALYSIS: The Commission, in the Centel Rate Case (Docket No. 891246-TL) ordered Southern Bell and Centel to implement the \$.25 calling plan on several routes, two of which were interLATA routes. Those routes are between Graceville (Southern Bell) and Ponce De Leon and DeFuniak Springs (Centel).

Southern Bell was directed to seek a waiver of Judge Greene's Modified Final Judgment. The waiver has not been received, therefore the plan cannot be implemented. Staff recommends the Motion for Extension of Time be granted until such time as the waiver is received. Normally we would not recommend an open end extension, however in this particular case it should be open ended. Attachments A and B are copies of Southern Bell's and Centel's Motion and Response, respectively.

ISSUE 2: Should these dockets be closed.

RECOMMENDATION: Yes, with the exception of Docket No. 880069-TL (Southern Bell's Rate Stabilization), the dockets should be closed. Staff should place the matter on monitor status to ensure that the \$.25 plan (or the nonoptional, flat rate two-way plan, if approved at the July 30, 1991 Agenda Conference) is implemented on these two interLATA routes.

891246.JOP

Julian

David M. Falgoust
General Attorney

Southern Bell Telephone
and Telegraph Company
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June 28, 1991

RECEIVED

JUL 1 1991

Mr. Steve Tribble
Director, Division of Records & Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket Nos. 891246-TL, 881543-TL,
880069-TL, 870248-TL, 900539-TL

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Motion for Extension of Time In Which to Implement a \$.25 Per Message Intracounty Calling Plan Between the Graceville to Ponce de Leon and Defuniak Springs Exchanges in Holmes and Walton Counties in the above-referenced dockets. Service is being provided to all parties of record in accordance with the attached Certificate of Service.

A copy of this letter is enclosed. Please indicate on the copy that the original was filed and return the copy to me.

Very truly yours,

David M. Falgoust

David M. Falgoust

Enclosure

cc: All Parties of Record
A. M. Lombardo
H. R. Anthony
R. D. Lackey

DOCUMENT NUMBER - DATE

06541 JUN 28 1991

REC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Central Telephone Company of Florida for Rate Increase)	Docket No. 891246-TL
)	
In re: Central Telephone Company of Florida - 1988 Depreciation Study)	Docket No. 881543-TL
)	
In re: Petition of Southern Bell Telephone and Telegraph Company for Rate Stabilization And Implementation Orders And Other Relief)	Docket No. 880069-TL
)	
In re: Resolution by Holmes County Board of County Commissioners for Extended Area Service in Holmes County, Florida)	Docket No. 870248-TL
)	
In re: Petition for County-Wide Toll-Free Calling by the Okaloosa Board of County Commissioners)	Docket No. 900539-TL
)	
)	Filed: June 28, 1991

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR EXTENSION OF TIME IN WHICH TO IMPLEMENT A
\$.25 PER MESSAGE INTRACOUNTY CALLING PLAN BETWEEN
THE GRACEVILLE TO PONCE DE LEON AND DEFUNIAK
SPRINGS EXCHANGES IN HOLMES AND WALTON COUNTIES

COMES NOW, Southern Bell Telephone and Telegraph Company ("Southern Bell"), and files its Motion For Extension of Time In Which to Implement a \$.25 Per Message Intracounty Calling Plan ("Calling Plan") Between the Graceville to Ponce de Leon and Defuniak Springs Exchanges in Holmes and Walton Counties.

1. By Orders numbered 24178 issued February 28, 1991 and 24178-A issued May 20, 1991 in these dockets, the Commission

issued a notice of proposed agency action requiring the implementation of the Calling Plan between the Graceville to Ponce de Leon and Defuniak Springs Exchanges which exchanges are in different LATAs (the "InterLATA Routes") in Holmes and Walton Counties. The Commission's Orders required implementation of the Calling Plan on the InterLATA Routes by July 1, 1991.

2. On May 29, 1991, pursuant to procedures set forth by the United States District Court for the District of Columbia (the "Court") in United States v. Western Electric Company and American Telephone and Telegraph Company, Civil Action No. 82-0192-HHG, Southern Bell filed a Request for a Waiver of the Modification of Final Judgment ("MFJ") with the Department of Justice ("DOJ") for the purpose of implementing the Calling Plan on the InterLATA Routes.

3. As of the date of this filing, Southern Bell has not been able to obtain the MFJ Waiver from the Court. Furthermore, the DOJ has informally advised Southern Bell that the Waiver Request is still under consideration at the DOJ and that a recommendation by the DOJ to the Court will not be immediately forthcoming.

4. Because Southern Bell cannot lawfully implement the Calling Plan on the InterLATA Routes without an MFJ Waiver, it is appropriate to extend the time in which to implement the Calling Plan until a Waiver is granted by the Court.

WHEREFORE, Southern Bell respectfully requests that the Commission grant its Motion For Extension of Time to implement the Calling Plan on the InterLATA Routes until a Waiver of the MFJ is granted by the Court.

Respectfully submitted this 28th day of June, 1991.

SOUTHERN BELL TELEPHONE
AND TELEGRAPH COMPANY

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Attorneys for Southern Bell
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CERTIFICATE OF SERVICE
DOCKET NOS. 891246-TL, 881543-TL, 880069-TL, 870248-TL, 900539-TL

I HEREBY CERTIFY that a true copy of the foregoing has been hand delivered or furnished by U. S. Mail to the following parties of record this 28th day of June, 1991.

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Docket No. 880069-TL
Page 2

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Docket No. 880069-TL
Page 3

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July 22, 1991

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket Nos. 891246-TL, 881543-TL,
880069-TL, 870248-TL, 900539-TL

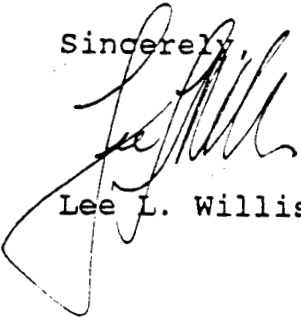
Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Central Telephone Company of Florida's Response to Southern Bell Telephone and Telegraph Company's Motion for Extension of Time In Which to Implement a \$.25 Per Message Intracounty Calling Plan Between the Graceville to Ponce de Leon and Defuniak Springs Exchanges in Holmes and Walton Counties in the above-referenced dockets. Service is being provided to all parties of record in accordance with the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


Lee L. Willis

LLW/bjb

cc: All Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Central Telephone Company of Florida for Rate Increase)	Docket No. 891246-TL
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In re: Central Telephone Company of Florida - 1988 Depreciation Study)	Docket No. 881543-TL
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)	
In re: Resolution by Holmes County Board of County Commissioners for Extended Area Service in Holmes County, Florida)	Docket No. 870248-TL
)	
In re: Petition for County-Wide Toll-Free Calling by the Okaloosa Board of County Commissioners)	Docket No. 900539-TL Filed:

CENTRAL TELEPHONE COMPANY OF FLORIDA'S RESPONSE TO
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
MOTION FOR EXTENSION OF TIME IN WHICH TO IMPLEMENT A
\$.25 PER MESSAGE INTRACOUNTY CALLING PLAN BETWEEN
THE GRACEVILLE TO PONCE DE LEON AND DEFUNIAK
SPRINGS EXCHANGES IN HOLMES AND WALTON COUNTIES

Central Telephone Company of Florida ("Central Telephone-Florida"), by and through its undersigned counsel, files this its Response to Southern Bell's Motion for Extension of Time In Which to Implement a \$.25 Per Message Intracounty Calling Plan ("Calling Plan") Between the Graceville to Ponce de Leon and Defuniak Springs Exchanges in Holmes and Walton Counties, and says:

1. By Orders numbered 24178 issued February 28, 1991 and 24178-A issued May 20, 1991 in these dockets, the Commission issued a notice of proposed agency action requiring the implementation of the Calling Plan between the Graceville to Ponce de Leon and Defuniak Springs Exchanges which exchanges are in different LATAs

DOCUMENT NUMBER-DATE

07409 JUL 22 1991

100-RECORDS/REPORTING

(the "InterLATA Routes") in Holmes and Walton Counties. The Commission's Orders required implementation of the Calling Plan on the InterLATA Routes by July 1, 1991.


2. On June 28, 1991, Southern Bell Telephone and Telegraph Company ("Southern Bell") filed its Motion for Extension of Time in these dockets. Southern Bell's Motion outlines the reasons Southern Bell requires an extension of time.

3. Central Telephone - Florida can only comply with Order Nos. 24178 and 24178-A if Southern Bell can comply because it takes both companies to comply on each route.

4. Central Telephone - Florida is ready, willing and able to comply with Order Nos. 24178 and 24178-A as soon as Southern Bell receives MFJ Waiver from the Court as described in its Motion.

DATED this 22nd day of July, 1991.

Respectfully submitted,



LEE L. WILLIS
J. JEFFRY WAHLEN
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ATTORNEYS FOR CENTRAL TELEPHONE
COMPANY OF FLORIDA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Central Telephone Company of Florida's Response to Southern Bell Telephone and Telegraph Company's Motion for Extension of Time In Which to Implement a \$.25 Per Message Intracounty Calling Plan Between the Graceville to Ponce de Leon and Defuniak Springs Exchanges in Holmes and Walton Counties has been furnished by U. S. Mail this ____ day of July, 1991 to the following:

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*By Hand Delivery

msr