

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition of BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Windstream Florida, Inc. to transfer territories in Alachua County and to amend certificates.

DOCKET NO. 070154-TL  
ORDER NO. PSC-07-0342-PAA-TL  
ISSUED: April 20, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN

NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING JOINT PETITION TO  
TRANSFER TERRITORIES AND FOR CERTIFICATE AMENDMENT

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

CASE BACKGROUND

On March 9, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) and Windstream Florida, Inc., f/k/a Alltel Florida, Inc., (Windstream) filed a joint petition seeking approval to transfer a portion of AT&T's territory to Windstream. The petition was filed on behalf of the affected customers.

The territory in question consists of a small section of Haile Estates, east of Interstate 75 in Alachua County that has been served by AT&T via an overhead cable that crosses the interstate. The present boundaries were drawn many years ago and based on section lines, which are survey measurements that define a land unit of one square mile. The proposed changes will recognize Interstate 75 as a logical boundary. The petition states that Windstream can provide service to the territory in a cost-effective and safe manner without crossing the interstate. In addition, the affected customers will be able to subscribe to Windstream's Digital Subscriber Line service which is not available to them through AT&T.

We are vested with jurisdiction in this matter pursuant to Section 364.335, Florida Statutes. Petitions for territorial transfers are governed by Rule 25-4.005, Florida Administrative Code

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

DECISION

In compliance with Rule 25-4.005, F.A.C., the petition states AT&T does not hold any deposits from the customers requesting the transfer, there are no pending applications for service in the subject territory, and no financial exchange has or will be given for the transfer of the territory in question. The customers are aware of the changes in their local calling scopes and rates due to the transfer.

Our staff concluded that AT&T and Windstream have complied with the applicable provision of Rule 25-4.005, Florida Administrative Code, by submitting as affidavit that the notice of intention to file the petition was provided to the Public Counsel, this Commission, and the governing bodies affected in Alachua County. The requirement for the two legal advertisements was also met. Therefore, we find it appropriate to approve AT&T/Windstream joint petition for transfer of territory, for modification of exchange boundaries and for the certificate amendment

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that the joint petition filed by AT&T and Windstream meets the requirements of Rule 25-4.005, Florida Administrative Code (F.A.C.), Transfer of Certificate of Public Convenience and Necessity as to All or Portion of Service Area is approved. It is further

ORDERED that AT&T and Windstream shall file tariffs with the Division of Competitive Markets and Enforcement reflecting the exchange boundaries changes within 60 days of the issuance date of the consummating order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed upon the filing of tariffs by AT&T and Windstream reflecting the exchange boundaries changes within 60 days of the issuance date of the consummating order.

By ORDER of the Florida Public Service Commission this 20th day of April, 2007.



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ANN COLE  
Commission Clerk

( S E A L )

VSM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 11, 2007.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.