

BEFORE THE FLORIDA 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 St. Johns County and to amend certificates.

DOCKET NO. 080026-TL
ORDER NO. PSC-08-0229-PAA-TL
ISSUED: April 7, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

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.

I. Case Background

On January 7, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) and Windstream Florida, Inc. (Windstream) filed, as required by Rule 25-4.005(1), Florida Administrative Code (F. A. C.), a notice of intent to file a joint petition seeking approval to transfer a portion of AT&T's territory to Windstream. The two incumbent local exchange carriers (ILECs) filed the joint petition on February 19, 2008.

The territory in question consists of 70 lots (including partial lots) in the Bartram Farms development in St. Johns County. That area is currently in AT&T's St. Johns Exchange. The current boundary line divides the planned subdivision and individual lots. No subscribers currently live in the area to be transferred. The petition states that the transfer of this territory to the Windstream Hastings Exchange will place the entire development in Windstream's territory, where the majority of the present planned lots are located, and make the provision of service more easily administered by one ILEC and less confusing for future customers.

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FPSC-COMMISSION CLERK

We are vested with jurisdiction in this matter pursuant to Section 364.335, Florida Statutes. (F.S.) Petitions for territorial transfers are governed by Rule 25-4.005, F. A. C.

II. Decision

The petition requests that 70 lots in a planned development be moved from the AT&T St. Johns Exchange to the Windstream Hastings Exchange, thereby placing all lots and portions of lots in the subdivision in the same exchange. All future customers in the subdivision would then be purchasing service under the same Windstream General Subscriber Services Tariff.

In compliance with Rule 25-4.005, F. A. C., the petition states that neither AT&T nor Windstream hold any deposits or deposit interest since there are no customers in the subject territory, there are no pending applications for service at this time, and no financial exchange has or will be given for the transfer of the territory in question.

Rule 25-4.005, F. A. C., requires that a notice of intent be provided to the Public Counsel and the governing bodies of any affected municipalities or counties in addition to this Commission. The rule also requires the publication of a notice in an area newspaper on two separate occasions, at least two weeks prior to filing the petition. A sworn affidavit stating the notice of intent had been properly provided to the required officials and the legal advertisements properly published, together with copies of the two legal advertisements, were included with the petition.

Upon review of the petition, we find that the request is in the public interest and would eliminate future provision of service confusion in the subdivision such as which ILEC is the appropriate local service provider and what repair service, calling scopes, and rates apply.

Therefore, we hereby approve the joint petition of AT&T and Windstream to transfer territories in St. John's County and to amend certificates.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Windstream Florida, Inc. meets the requirements of Rule 25-4.005, F.A.C. Transfer of Certificate of Public Convenience and Necessity as to All or Portion of Service Area is hereby granted. It is further


ORDERED that BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Windstream Florida, Inc. 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 BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Windstream Florida, Inc. 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 7th day of April, 2008.



ANN COLE
Commission Clerk

(S E A L)

CCP

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

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petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 28, 2008.

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.