

State of Florida



Public Service Commission

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DATE: July 6, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Beard, Bulecza-Banks, Casey)
Office of the General Counsel (Scott) *CSB* *PKW* *em* *BC by CSB*

RE: Docket No. 060393-TL – Joint petition of BellSouth Telecommunications, Inc. and Embarq Florida, Incorporated d/b/a Sprint Florida to transfer territories in Volusia County and to amend certificates.

AGENDA: 07/18/06 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\060393.RCM.DOC

Case Background

On May 12, 2006, BellSouth Telecommunications, Inc. (BellSouth) and Embarq Florida, Inc., d/b/a Sprint-Florida, Incorporated (Sprint) filed with the Florida Public Service Commission (the Commission) a Joint Petition to Transfer Territories in Volusia County and to Amend Certificates (Joint Petition). The Joint Petitioner's request that the Commission modify the exchange boundaries in Volusia County and also amend the respective certificate of Petitioners to reflect the changes in the proposed exchange boundaries.

The Commission has jurisdiction pursuant to Sections 364.01 and 364.345, Florida Statutes.

DOCUMENT NUMBER-DATE

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Discussion of Issues

Issue 1: Should the Commission approve the Joint Petition to Transfer Territories in Volusia County and to Amend Certificates?

Recommendation: Yes, the Commission should approve the Joint Petition to Transfer Territories in Volusia County and to Amend Certificates to allow the transfer of a portion of the Victoria Park Development, from the BellSouth Deland exchange to the Sprint Orange City exchange. This transfer should become effective and final upon the issuance of the Consummating Order in this docket. (Beard, Scott)

Staff Analysis: The Joint Petitioners request a realignment of the current exchange boundaries in the Victoria Park Development and amendment of the certificates associated with the exchanges. This realignment would reassign portions of the BellSouth Deland exchange to the Sprint Orange City exchange. There are approximately sixteen single family lots in the Victoria Park Development, all located in the Northeast Increment 4 of Volusia County, that will be directly affected. There are no current subscribers living in the area mentioned above. Since there are no subscribers in that area, no customers will be affected by modifying the Orange City exchange to include this portion of the Victoria Park Development.

The current boundary line divides the planned subdivision and individual lots, making service to customers more difficult. Changing the boundary lines as the joint petitioners have requested will better align the companies' exchange service areas, and will move the existing boundary to allow service to be provided more cost effectively. BellSouth and Sprint have filed the petition with the Commission to avoid division of their boundaries, making those boundaries more usable in the provision and administration of service.

Upon approval of this petition, final tariff pages should be submitted to the Commission for administrative approval. Both parties have agreed that there will be no financial exchange for the proposed transfer. Additionally, this Joint Petition is the only written agreement concerning this transfer of exchange boundaries. The transfer would prevent consumers living in the same development from having different providers of telephone service, different calling scopes, and different rates. Staff believes this transfer is beneficial to both the carriers and the future subscribers. Therefore, staff recommends that the Commission approve the Joint Petition, allowing the transfer of a portion of the Victoria Park Development, from the BellSouth Deland exchange to the Sprint Orange City exchange. The transfer should become effective and final upon the issuance of the Consummating Order in this docket.

Docket No. 060393-TL

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Issue 2: Should this docket be closed?

Recommendation: Yes. If no protest is filed, this docket should be closed upon the issuance of a Consummating Order. If a protest is filed by a person whose substantial interests are affected within 21 days of the Order approving this petition, the docket should remain open pending further proceedings. (Beard, Scott)

Staff Analysis: If no protest is filed, this docket should be closed upon the issuance of a Consummating Order. If a protest is filed by a person whose substantial interests are affected within 21 days of the Order approving this amendment, the docket shall remain open.

Victoria Park Northeast Increment 4 Exhibit A
proposed boundary change

