

Matilda Sanders

070126 - JZ

ORIGINAL

From: Woods, Vickie [Vickie.Woods2@bellsouth.com]
Sent: Friday, February 23, 2007 3:32 PM
To: Filings@psc.state.fl.us
Subject: New Docket: Petition of AT&T Florida for Relief from Carrier-of-Last Resort Obligations Pursuant to Florida Statutes 364.025(6)(d) (Avalon)
Importance: High
Attachments: Avalon.pdf

- A. Vickie Woods
Legal Secretary to James Meza III and Manuel A. Gurdian
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5560
vickie.woods2@bellsouth.com
- B. New Docket: Petition of AT&T Florida for Relief from Carrier-of-Last Resort Obligations Pursuant to Florida Statutes §364.025(6)(d) (Avalon)
- C. BellSouth Telecommunications, Inc.
on behalf of Manuel A. Gurdian
- D. 29 pages total (includes letter, certificate of service, pleading, Exhibits A thru D and two attachments)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition
.pdf

<<Avalon.pdf>>

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DOCUMENT NUMBER-DATE

01786 FEB 23 5

2/23/2007

FPSC-COMMISSION CLERK

Manuel A. Gurdian
Attorney

AT&T Florida
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

ORIGINAL

February 23, 2007

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

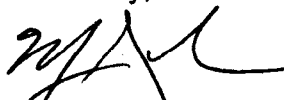
Re: Docket No.: 070126-TL
Petition of AT&T Florida for Relief from Carrier-of-Last-Resort
Obligations Pursuant to Florida Statutes §364.025(6)(d) (Avalon)

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition,
which we ask that you file in the captioned *new* docket.

Copies have been served to the parties shown on the attached Certificate of
Service.

Sincerely,



Manuel A. Gurdian

Enclosure

cc: All Parties of Record
Jerry D. Hendrix
E. Earl Edenfield, Jr.
James Meza III

DOCUMENT NUMBER-DATE

01786 FEB 23 07

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Petition of AT&T Florida for Relief from Carrier-of-Last-Resort Obligations
Pursuant to Florida Statutes §364.025(6)(d) (Avalon)

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Overnight Mail this 23rd day of February, 2007 to the following:

Patrick Wiggins
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
pwiggins@psc.state.fl.us

Avalon Development, LLC
Attn: Stokes & Griffith Properties, LLC
Registered Agent
John C. Kunkel
4315 Pablo Oaks Court
Suite 1
Jacksonville, FL 32224-9667

Stokes & Griffith Properties, LLC
Attn: Chester E. Stokes, Jr.
Registered Agent
Chester E. Stokes, Jr.
4315 Pablo Oaks Court
Suite 1
Jacksonville, FL 32224-9667

Richmond American Homes of FL, LP
Attn: RAH of Florida, Inc.
4350 South Monaco Street
Suite 500
Denver, Colorado 80237

Registered Agent
CT Corporation System
1200 South Pine Island Road
Plantation, Florida 33324

Lindhorst Construction, Inc.
Attn: Dale A. Lindhorst
5119 Commercial Way
Spring Hill, Florida 34606

Registered Agent
Dale Lindhorst
4393 Mallard Lake Drive
Brooksville, FL 34609

Lexington Homes, Inc.
Attn: Craig S. Gallagher
6115 Guilford Drive
New Port Richey, FL 34655

Registered Agent
Craig J. Fiebe
5623 US Highway 19
Suite 201
New Port Richey, FL 34652

William Ryan Homes Florida, Inc.
Attn: Martin M. Ryan
3925 Coconut Palm Avenue
Suite 117
Tampa, FL 33619

Registered Agent
CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Walt Steimel
Greenberg Traurig
800 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20006
Tel. No. (202) 452-4893



Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:)
)
Petition of AT&T Florida for Relief)
from Carrier-of-Last-Resort Obligations)
Pursuant to Florida Statutes §364.025(6)(d))
(Avalon))
_____)

Docket No. 070126-TL

Filed: February 23, 2007

PETITION OF AT&T FLORIDA

BellSouth Telecommunications, Inc. d/b/a (“AT&T Florida”), pursuant to Section 364.025(6)(d), Florida Statutes, files this Petition for Relief from Carrier-of-Last-Resort Obligations (“Petition”) for a development in Hernando County, Florida called Villages of Avalon, Phase II (“Avalon, Phase II”). In support thereof, AT&T Florida states the following:

GENERAL ALLEGATIONS

1. During the 2006 session, the Florida Legislature enacted legislation¹ that, in certain instances, provides relief for a local exchange carrier (“LEC”) from carrier-of-last-resort (“COLR”) obligations. The COLR statute provides two avenues for a LEC to obtain COLR relief.

2. The first avenue² provides for automatic relief in four specific scenarios generally applicable when property owners or developers have entered into some type of arrangement with a communications services provider, as defined in § 364.025(6)(a)(3), Florida Statutes, other than the LEC.

¹ § 364.025(6), Florida Statutes.
² § 364.025(6)(b)(1)-(4), Florida Statutes.

3. The second avenue³ applies only when none of those four specific automatic relief scenarios are present. In that situation, the LEC may petition the Florida Public Service Commission (“Commission”) for COLR relief, which shall be granted upon good cause shown:

A local exchange telecommunications company that is not automatically relieved of its carrier-of-last-resort obligation pursuant to subparagraphs (b)1-4 may seek a waiver of its carrier of last resort obligation from the commission for good cause shown based on the facts and circumstances of provision of service to the multitenant business or residential property. Upon petition for such relief, notice shall be given by the company at the same time to the relevant building owner or developer. The commission shall have 90 days to act on the petition.

§364.025(6)(d). It is this second avenue that serves as the basis for this Petition.

4. In today’s highly-competitive communications environment, property owners and developers in greenfield areas frequently select, well in advance of the first resident moving in, the communications company that will provide the suite of services to residents at the property. For instance, developers or property owners enter into different types of agreements with alternative providers, including those that (1) restrict the ability of the LEC (or other providers) to provision service or bundles of services to customers, due to exclusive arrangements with the alternative provider; or (2) essentially eliminate customer requests for the LEC’s services due to “bulk” arrangements with the alternative provider, wherein the developer or a homeowners association contracts for services from the alternative provider and the customers receive the services in return for payment of their rent or association fees.

³ § 364.025(6)(d), Florida Statutes.

5. These decisions by developers or property owners are driven, at least in part, by which provider makes the most lucrative financial offer to the property owner or developer, typically in the form of “door fees” paid to the developer by the provider. Thus, in return for these “door fees” or other forms of financial consideration, the developer or property owner enters into agreements with the alternative provider that ban, restrict, or make it economically disadvantageous for other companies to provide services to the residents of that development.

6. Additionally, in an attempt to avoid automatic COLR relief for the LEC as set forth in the new law, upon information and belief, the more savvy property owners and developers limit their restrictive or exclusive agreements with alternative providers to data and video services, thereby prohibiting or effectively prohibiting the LEC from providing anything other than traditional voice services to residents. And, even in that scenario, the alternative provider generally also has the capability or will be providing voice service to residents (in addition to data and video that the LEC is prohibited from providing or for which the alternate provider has been granted preferential rights, such as bulk rights or marketing rights). Accordingly, LECs, unlike the alternative providers, are competitively disadvantaged from the start, because they are nearly or completely prohibited from providing certain services or bundles that consumers expect.

7. In this Petition, AT&T Florida does not address the propriety of developers and property owners making these competitive choices on behalf of future residents; however, in some instances, these decisions will have a direct adverse economic impact on a LEC if the LEC is required to serve the property with these arbitrary restrictions.

This is particularly true where the property owner or developer is demanding that the LEC provide voice service - and only voice service -- pursuant to the LEC's COLR obligation even though the alternative provider at the property/development is capable of providing voice service to residents. In those situations, it is highly speculative as to whether the LEC will ever see an adequate return, if any at all, on its facilities' investment. And, having made a business decision that economically benefits them, developers or property owners should not be able to hijack COLR to force a LEC to make uneconomic business decisions.

8. Former Commissioner Deason echoed these same sentiments at the December 19, 2006 agenda conference, wherein the Commission adopted proposed rules to implement the new COLR legislation and he stated: "I believe that requiring uneconomic interest under 'carrier of last resort' is wasteful," former Commissioner Terry Deason said. " And if there are viable alternatives to customers and they have service, that is the primary requirement."⁴

PARTIES

9. Petitioner, AT&T Florida, is a Georgia corporation certificated to provide, and actually providing, telecommunications service in the State of Florida. AT&T Florida's principal place of business is 675 W. Peachtree Street, NE, Atlanta, Georgia 30375. AT&T Florida's additional contact information is as set forth in paragraph 11, *infra*.

10. Pursuant to Section 364.025(6)(d), Florida Statutes and Rule 25-084, F.A.C., AT&T Florida is providing notice of this Petition, a copy of Commission Rule 25-084, F.A.C., and a copy of Section 364.025, Florida Statutes to the following parties

⁴ *BellSouth Customer Surcharge Approved*, THE PALM BEACH POST (Dec. 20, 2006).

via overnight mail. Upon information and belief, all of the identified entities are involved in developing the property that is the subject of this Petition:

- a. ***Avalon Development, LLC***, Attention: Stokes & Griffith Properties, LLC and Registered Agent – John C. Kunkel, 4315 Pablo Oaks Court, Suite 1, Jacksonville, Florida 32224-9667. Upon information and belief, this company is involved in developing the property that is the subject of this Petition.
- b. ***Stokes & Griffith Properties, LLC***, Attention: Chester E. Stokes, Jr. and Registered Agent – Chester E. Stokes, Jr., 4315 Pablo Oaks Court, Suite 1, Jacksonville, Florida 32224-9667. Upon information and belief, this company is also involved in developing the property that is the subject of this Petition.
- c. ***Richmond American Homes of Florida, LP***, Attention: RAH of Florida, Inc., 4350 S. Monaco Street, Suite 500, Denver, Colorado 80237 and Registered Agent – CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324. Upon information and belief, this company is also involved in building and/or developing the property that is the subject of the Petition.
- d. ***Lindhorst Construction, Inc.***, Attention: Dale A. Lindhorst, 5119 Commercial Way, Spring Hill, Florida 34606 and Registered Agent - Dale Lindhorst, 4393 Mallard Lake Drive, Brooksville, Florida 34609. Upon information and belief, this company is also involved in building and/or developing the property that is the subject of the Petition.

- e. ***Lexington Homes, Inc.***, Attention: Craig S. Gallagher, 6115 Guilford Dr., New Port Richey, Florida 34655 and Registered Agent – Craig J. Fiebe, 5623 US Highway 19, Suite 201, New Port Richey, Florida 34652. Upon information and belief, this company is also involved in building and/or developing the property that is the subject of the Petition.
- f. ***William Ryan Homes Florida, Inc.***, Attention: Martin M. Ryan, 3925 Coconut Palm Avenue, Suite 117, Tampa, Florida 33619 and Registered Agent – CT Corporation System, 1200 S. Pine Island Road, Plantation, FL 33324. Upon information and belief, this company is also involved in building and/or developing the property that is the subject of the Petition.

The term “Developer” as used in this Petition refers to the companies referenced above, because AT&T Florida is uncertain as to the exact role each of these companies may have in developing the property that is the subject of the Petition.

11. All pleadings, notices and other documents directed to AT&T Florida in this proceeding should be provided to:

James Meza III⁵
Sharon R. Liebman
Manuel A. Gurdian
c/o Nancy H. Sims
150 South Monroe Street, Ste. 400
Tallahassee, FL 32301
james.meza@bellsouth.com
305.347.5553 (telephone)
305.577.4491 (fax)

⁵ The undersigned is licensed in Louisiana only, is certified by the Florida Bar as Authorized House Counsel (No. 464260) per Rule 17 of the Rules Regulating the Florida Bar, has been granted qualified representative status by the Commission in Order No. PSC-06-0165A-FOF-OT, and has filed an Application for Qualified Representative Status for 2007 in Docket No. 070008-OT per Commission Order No. 07-0008-PCO-OT.

E. Earl Edenfield Jr.
AT&T Florida
675 West Peachtree Street,
Suite 4300
Atlanta, GA 30375
kip.edenfield@bellsouth.com
404.335.0763 (telephone)

JURISDICTION

12. The Commission has jurisdiction over this Petition pursuant to the authority granted to the Commission in Florida Statutes § 364.025(6)(d).

INFORMATION REGARDING THE DEVELOPMENT

13. The development at issue in this Petition is under construction in Hernando County, Florida and is known as Avalon, Phase II.

14. AT&T Florida has not yet been provided the exact addresses for the Avalon, Phase II development. AT&T Florida has been informed, however, that first occupancy is anticipated on or about June 2007 and that the development will have a total of approximately 446 single family residences.

FACTS DEMONSTRATING GOOD CAUSE FOR COLR RELIEF

15. Upon information and belief, the Developer plans to grant AT&T Florida a “voice-only” easement for Avalon, Phase II, which will restrict AT&T Florida to providing voice services only at the property.⁶

⁶ As background information, because of the unique circumstances present at the time, AT&T Florida acquiesced to a voice-only easement for “Villages of Avalon, Phase I.” In March 2006, after incurring approximately \$230,000 to install facilities in Phase I to provide service and with the first expected service date quickly approaching, AT&T Florida learned of the voice-only restriction. Prior to this time, the Developer did not advise AT&T Florida that it could only provide voice service in Phase I. Further, the circumstances involving Avalon Phase I occurred primarily prior to the enactment of Section 364.025(6). Thus, at the time that AT&T Florida learned of the voice-only restriction, AT&T Florida did not have the ability to petition the Commission for COLR relief.

16. As a result of the restricted “voice-only” easement, AT&T Florida will not be able to offer subscribers in Avalon, Phase II AT&T Florida’s full panoply of services that exist today or will be offered in the future, including data and video services. This restriction results in: (1) reduced revenue opportunities for AT&T Florida that create extreme uncertainty as to the time period it will take for AT&T Florida to recover the cost of its facilities investment, if at all; (2) the inability of AT&T Florida to offer subscribers in Avalon, Phase II the discounts generally obtainable when purchasing a bundle of voice and data services; and (3) a modification of AT&T Florida’s front-end ordering and provisioning systems to comply with the voice-only restriction.

17. Upon information and belief, the Developer has entered into a non-exclusive agreement with Connexion Technologies f/k/a Capitol Infrastructure (“Connexion”) who in turn contracted with “Smart Resorts a/k/a Beyond Communications” (“Beyond Communications”) for the provision of voice service at Avalon, Phase II. *See* document from Connexion Technologies’ website attached hereto as Exhibit “A”; *see also*, May 23, 2006, September 21, 2006, and September 25, 2006 correspondence between attorneys for the Developer and Attorney for AT&T Florida, attached hereto as Exhibit “B.”

18. Moreover, upon information and belief, the Developer has entered into an agreement with Connexion who in turn entered into a bulk agreement with Beyond Communications for video and data services to all homes within the development as the “HOA FEES INCLUDE CABLE, INTERNET SERVICE (FIBER OPTICS) AND MUCH MORE.” *See* document from William Ryan Homes attached hereto as Exhibit “C.”

19. In essence, the Developer has made a unilateral decision on behalf of all future residents in Avalon, Phase II regarding the identity of their data and video providers.

20. Upon information and belief, Connexion and/or Beyond Communications, have compensated the Developer for the rights extended to Connexion Technologies and Beyond Communications under the above-described agreements.

21. Notwithstanding the above-described agreements for the provision of voice, data, and video, the Developer has requested that AT&T Florida install facilities and provide voice-only services to Avalon, Phase II. Because of the service arrangements with Beyond Communications, and/or Connexion Technologies and the attendant service restrictions on AT&T Florida, however, there is an incredible amount of uncertainty as to the anticipated demand, if any, for AT&T Florida's voice services in Avalon, Phase II.

22. Moreover, AT&T Florida estimates that it will cost approximately \$244,966 to deploy facilities to the homes within Avalon, Phase II. *See* Affidavit of Larry Bishop, attached hereto as Exhibit "D."

23. AT&T Florida should not be forced, pursuant to COLR, to make unwise economic decisions by installing duplicative facilities.

24. Clearly, the COLR statute was not enacted to countenance such an inefficient economic result, especially where consumers are not in jeopardy of being stranded without voice service and where an alternate voice provider has entered into an agreement with the Developer; upon information and belief, is installing its own network; and, upon information and belief, will be offering voice services to residents. In this

scenario, the Developer is attempting to expand AT&T Florida's COLR obligations beyond its traditional and intended purposes for the Developer's own economic interest, which should be rejected. As former Commissioner Deason stated, "requiring uneconomic interest under 'carrier of last resort' is wasteful. . . . And if there are viable alternatives to customers and they have service, that is the primary requirement."⁷

25. At this time, AT&T Florida is unaware of any specific disputed issues of material fact. AT&T Florida anticipates that the Developer may dispute AT&T Florida's assertion that the grounds stated herein are sufficient to establish "good cause" under § 364.025(6)(d).

PRAYER FOR RELIEF

26. Given the circumstances of this case, the uncertainties surrounding any demand for AT&T Florida voice services, and the amount of capital investment required to provide voice service to Avalon, Phase II, and the availability to residents of voice service from another provider, the Commission should relieve AT&T Florida of any obligation to provide service at Avalon, Phase II.

WHEREFORE, AT&T Florida respectfully requests that the Commission:

- (a) find that good cause exists under Florida Statutes § 364.025(6)(d) to grant AT&T Florida COLR relief as to Avalon, Phase II and
- (b) order all other relief that the Commission deems appropriate in this matter.

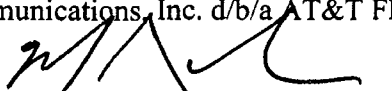
⁷ See note 4, *supra*.

****NOTICE****

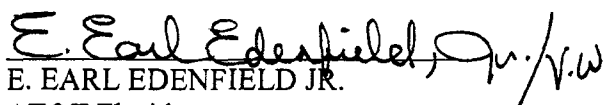
Pursuant to Rule 25-4.084, F.A.C., AT&T Florida states as follows: Interested persons have 14 calendar days from the date the Petition is received to file a response to the Petition with the Commission, unless the 14th day falls on a Saturday, Sunday, or Holiday, in which case the response must be filed no later than the next working day.

Respectfully submitted this 23rd day of February, 2007.

BellSouth Telecommunications, Inc. d/b/a AT&T Florida



JAMES MEZA III
AUTHORIZED HOUSE CONSEL NO. 464260
SHARON R. LIEBMAN
MANUEL A. GURDIAN
c/o Nancy H. Sims
150 South Monroe Street, Ste. 400
Tallahassee, FL 32301
(305) 347-5558



E. EARL EDENFIELD JR.
AT&T Florida
675 West Peachtree Street,
Suite 4300
Atlanta, GA 30375
(404) 335-0763

Registration

Demo

Services & Features

Activation Support

Communities

Villages of Avalon

Address: Spring Hill, Florida

URL:

Developer: Stokes and Griffith

Move-in Begins: January, 31 2006

Home Prices: from the \$200s to Millions

Home Sites: estimated 822

Services:

Internet Beyond Communications

Included

1-866-713-5182

Telephone Beyond Communications

By Subscription

1-866-713-5182

Television Beyond Communications

Included

1-866-713-5182

About this Community:

located a quarter mile from the sunbasi parkway, and about 20 minutes to downtown Tampa, the Villages of Avalon has something for everyone. With homes starting in the mid-\$200s and escalating through the millions, every home buyer will find the perfect house for their needs. Community amenities include a park with Baseball and soccer fields, bike trails, Club house and a community pool.

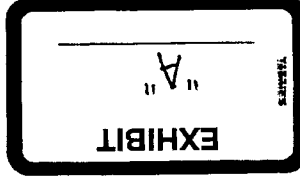
Amenities:

Close to Downtown Tampa

Community Pool

Nature Park

Bike Trails



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Privacy Policy | Career Opportunities

Liebman, Sharon

From: SteimelW@gtlaw.com
Sent: Tuesday, May 23, 2006 11:18 AM
To: Liebman, Sharon
Cc: ZajkJ@gtlaw.com
Subject:

REDACTED

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.

From: Liebman, Sharon [mailto:Sharon.Liebman@BellSouth.COM]
Sent: Tuesday, May 23, 2006 11:00 AM
To: Steimel, Walt (Shld-DC-TelCom)
Cc: Liebman, Sharon
Subject:

-----Original Message-----

From: SteimelW@gtlaw.com [mailto:SteimelW@gtlaw.com]
Sent: Tuesday, May 23, 2006 10:57 AM
To: Liebman, Sharon
Cc: ZajkJ@gtlaw.com
Subject: I



5/23/2006

Liebman, Sharon

From: Liebman, Sharon
Sent: Tuesday, May 23, 2006 11:00 AM
To: 'SteimeIW@gtlaw.com'
Cc: Liebman, Sharon
Subject:

REDACTED

-----Original Message-----

From: SteimeIW@gtlaw.com [mailto:SteimeIW@gtlaw.com]
Sent: Tuesday, May 23, 2006 10:57 AM
To: Liebman, Sharon
Cc: ZajkJ@gtlaw.com
Subject:

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. To reply to our email administrator directly, please send an email to postmaster@gtlaw.com.

5/30/2006

Liebman, Sharon

From: Liebman, Sharon
Sent: Monday, September 25, 2006 11:04 AM
To: 'CimkoJ@gtlaw.com'
Cc: Liebman, Sharon
Subject:

REDACTED

-----Original Message-----

From: CimkoJ@gtlaw.com [mailto:CimkoJ@gtlaw.com]
Sent: Thursday, September 21, 2006 3:58 PM
To: Liebman, Sharon
Subject:

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

Liebman, Sharon

From: Liebman, Sharon
Sent: Monday, September 25, 2006 11:04 AM
To: 'CimkoJ@gtlaw.com'
Cc: Liebman, Sharon
Subject: RE:

REDACTED

-----Original Message-----

From: CimkoJ@gtlaw.com [mailto:CimkoJ@gtlaw.com]
Sent: Thursday, September 21, 2006 3:58 PM
To: Liebman, Sharon
Subject:

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

William Ryan Homes, Inc of Tampa

Phone: 866-413-3285 (Toll Free)



Our Communities | Find Your Home | Home Services | Why WRH | News Press | Contact Us | Home

Avalon

Single Family Homes

Townhomes

Duplexes

Quick Move-In

Advanced Search

VILLAGES OF

Avalon

Community Features

NO CDD FEES

- Overview
- Community Features
- Models Available
- Directions
- Community Site Map
- Quick Move-in
- Area Information
- School Information
- Photo Gallery
- Contact Us

- HOA FEES INCLUDE CABLE, INTERNET SERVICE (FIBER OPTICS) AND MUCH MUCH MORE

- COMPETITIVE INCENTIVES

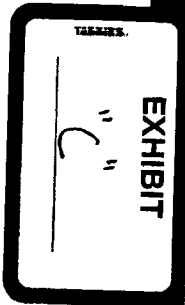
- PRE-PERMITTED HOMES

- MARKET HOMES

- GORGEOUS HOMESITES READY TO BUILD

These features may change without notice.

Builder reserves the right to make substitutions of at least equal quality for features, materials and equipment itemized herein.



Member of The Ryan Building Group.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:)
) Docket No. _____
Petition of AT&T Florida for Relief from)
Carrier-of-Last-Resort Obligations)
Pursuant to Florida Statutes)
§364.025(6)(d)(Avalon).) Filed: February 23, 2007
_____)

AFFIDAVIT OF LARRY BISHOP

COMES NOW the Affiant, and swears under oath as follows:

1. My name is Larry Bishop. I graduated from Florida State University in 1998 with a Bachelor of Science degree in Electrical Engineering. I graduated from the University of Florida in 2003 with a Masters in Business Administration. I am currently employed by BellSouth Telecommunications, Inc. d/b/a AT&T Southeast as a Supervising Manager in the Outside Plant Engineering & Construction Support Staff in Atlanta, Georgia. I have held this position since August 2005.

2. In my position as a Supervising Manager, I supervise a team of subject matter experts responsible for supporting the AT&T Southeast region in fields such as: outside plant engineering, Greenfield deployment planning, loop deployment planning, digital loop electronics planning and provisioning, proactive maintenance, capital investment for the rehabilitation of cable plant, building industry consultants, and unbundled network elements. AT&T Southeast building industry consultants and outside plant engineers work with property developers to place telecommunications facilities for single family and multi-dwelling unit developments.



3. Prior to becoming a Supervising Manager, I held various positions in the network organization including both Outside Plant Engineer (OSPE) and Loop Capacity Manager (LCM). In these positions I was responsible for planning fiber optic cable, digital loop electronics, broadband, and new Greenfield deployment. I coordinated with property developers to place telecommunications facilities for single family and multi-dwelling unit developments. I spoke directly with developers, planned the network architecture, and designed the Engineering Work Order that would be implemented by AT&T Southeast construction forces.
4. This Affidavit is filed on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") in support of AT&T Florida's Petition for Relief from Carrier of Last Resort Obligations ("Petition") filed with the Florida Public Service Commission ("Commission") on February 23, 2007. The purpose of this Affidavit is to describe the anticipated network deployment strategy and associated costs for the Villages of Avalon, Phase II ("Avalon, Phase II"), a single family residential home development located in Hernando County, Florida.
5. The development at issue known as Avalon, Phase II is under construction in Hernando County, Florida. The street addresses for the homes inside Avalon, Phase II have not yet been provided by the developer. The developers of Avalon, Phase II have not yet provided to AT&T Florida signed and recorded easements for the placement of feeder and distribution facilities within the development.
6. Local AT&T Florida Network representative in Hernando County have developed a network deployment strategy for "Avalon, Phase II." I have spoken with the local network engineer and reviewed the proposed network deployment strategy.

Based on my experience, I find the network deployment strategy to be reasonable and efficient.


7. I have also reviewed the estimated costs for the network deployment to Avalon, Phase II, which amount to \$244,966. Based on my experience, this cost estimate encompasses the necessary and reasonable work required for network deployment to Avalon, Phase II.

Further affiant sayeth not.

This 23rd day of February 2007.


LARRY BISHOP

Sworn to and subscribed
before me this 23
day of February 2007.


Notary Public

Brenda S. Slaughter
Notary Public, Rockdale County, Georgia
My Commission Expires July 29, 2010

My commission expires: _____



Select Year: 2006

[Go](#)The 2006 Florida StatutesTitle XXVII
RAILROADS AND OTHER REGULATED
UTILITIESChapter 364
TELECOMMUNICATIONS
COMPANIES[View Entire
Chapter](#)**364.025 Universal service.--**

(1) For the purposes of this section, the term "universal service" means an evolving level of access to telecommunications services that, taking into account advances in technologies, services, and market demand for essential services, the commission determines should be provided at just, reasonable, and affordable rates to customers, including those in rural, economically disadvantaged, and high-cost areas. It is the intent of the Legislature that universal service objectives be maintained after the local exchange market is opened to competitively provided services. It is also the intent of the Legislature that during this transition period the ubiquitous nature of the local exchange telecommunications companies be used to satisfy these objectives. Until January 1, 2009, each local exchange telecommunications company shall be required to furnish basic local exchange telecommunications service within a reasonable time period to any person requesting such service within the company's service territory.

(2) The Legislature finds that each telecommunications company should contribute its fair share to the support of the universal service objectives and carrier-of-last-resort obligations. For a transitional period not to exceed January 1, 2009, the interim mechanism for maintaining universal service objectives and funding carrier-of-last-resort obligations shall be established by the commission, pending the implementation of a permanent mechanism. The interim mechanism shall be applied in a manner that ensures that each competitive local exchange telecommunications company contributes its fair share to the support of universal service and carrier-of-last-resort obligations. The interim mechanism applied to each competitive local exchange telecommunications company shall reflect a fair share of the local exchange telecommunications company's recovery of investments made in fulfilling its carrier-of-last-resort obligations, and the maintenance of universal service objectives. The commission shall ensure that the interim mechanism does not impede the development of residential consumer choice or create an unreasonable barrier to competition. In reaching its determination, the commission shall not inquire into or consider any factor that is inconsistent with s. 364.051(1)(c). The costs and expenses of any government program or project required in part II of this chapter shall not be recovered under this section.

(3) If any party, prior to January 1, 2009, believes that circumstances have changed substantially to warrant a change in the interim mechanism, that party may petition the commission for a change, but the commission shall grant such petition only after an opportunity for a hearing and a compelling showing of changed circumstances, including that the provider's customer population includes as many residential as business customers. The commission shall act on any such petition within 120 days.

(4)(a) Prior to January 1, 2009, the Legislature shall establish a permanent universal service mechanism upon the effective date of which any interim recovery mechanism for universal service objectives or carrier-of-last-resort obligations imposed on competitive local exchange telecommunications companies shall terminate.

(b) To assist the Legislature in establishing a permanent universal service mechanism, the commission, by February 15, 1999, shall determine and report to the President of the Senate and the Speaker of the House of Representatives the total forward-looking cost, based upon the most recent commercially available technology and equipment and generally accepted design and placement principles, of providing basic local telecommunications service on a basis no greater

than a wire center basis using a cost proxy model to be selected by the commission after notice and opportunity for hearing.

(c) In determining the cost of providing basic local telecommunications service for small local exchange telecommunications companies, which serve less than 100,000 access lines, the commission shall not be required to use the cost proxy model selected pursuant to paragraph (b) until a mechanism is implemented by the Federal Government for small companies, but no sooner than January 1, 2001. The commission shall calculate a small local exchange telecommunications company's cost of providing basic local telecommunications services based on one of the following options:

1. A different proxy model; or
2. A fully distributed allocation of embedded costs, identifying high-cost areas within the local exchange area the company serves and including all embedded investments and expenses incurred by the company in the provision of universal service. Such calculations may be made using fully distributed costs consistent with 47 C.F.R. parts 32, 36, and 64. The geographic basis for the calculations shall be no smaller than a census block group.

(5) After January 1, 2001, a competitive local exchange telecommunications company may petition the commission to become the universal service provider and carrier of last resort in areas requested to be served by that competitive local exchange telecommunications company. Upon petition of a competitive local exchange telecommunications company, the commission shall have 120 days to vote on granting in whole or in part or denying the petition of the competitive local exchange company. The commission may establish the competitive local exchange telecommunications company as the universal service provider and carrier of last resort, provided that the commission first determines that the competitive local exchange telecommunications company will provide high-quality, reliable service. In the order establishing the competitive local exchange telecommunications company as the universal service provider and carrier of last resort, the commission shall set the period of time in which such company must meet those objectives and obligations.

(6)(a) For purposes of this subsection:

1. "Owner or developer" means the owner or developer of a multitenant business or residential property, any condominium association or homeowners' association thereof, or any other person or entity having ownership in or control over the property.
2. "Communications service provider" means any person or entity providing communications services, any person or entity allowing another person or entity to use its communications facilities to provide communications services, or any person or entity securing rights to select communications service providers for a property owner or developer.
3. "Communications service" means voice service or voice replacement service through the use of any technology.

(b) A local exchange telecommunications company obligated by this section to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to any customers in a multitenant business or residential property, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, when the owner or developer thereof:

1. Permits only one communications service provider to install its communications service-related facilities or equipment, to the exclusion of the local exchange telecommunications company, during the construction phase of the property;
2. Accepts or agrees to accept incentives or rewards from a communications service provider that

are contingent upon the provision of any or all communications services by one or more communications service providers to the exclusion of the local exchange telecommunications company;

3. Collects from the occupants or residents of the property charges for the provision of any communications service, provided by a communications service provider other than the local exchange telecommunications company, to the occupants or residents in any manner, including, but not limited to, collection through rent, fees, or dues; or

4. Enters into an agreement with the communications service provider which grants incentives or rewards to such owner or developer contingent upon restriction or limitation of the local exchange telecommunications company's access to the property.

(c) The local exchange telecommunications company relieved of its carrier-of-last-resort obligation to provide basic local telecommunications service to the occupants or residents of a multitenant business or residential property pursuant to paragraph (b) shall notify the commission of that fact in a timely manner.

(d) A local exchange telecommunications company that is not automatically relieved of its carrier-of-last-resort obligation pursuant to subparagraphs (b)1.-4. may seek a waiver of its carrier-of-last-resort obligation from the commission for good cause shown based on the facts and circumstances of provision of service to the multitenant business or residential property. Upon petition for such relief, notice shall be given by the company at the same time to the relevant building owner or developer. The commission shall have 90 days to act on the petition. The commission shall implement this paragraph through rulemaking.

(e) If all conditions described in subparagraphs (b)1.-4. cease to exist at a property, the owner or developer requests in writing that the local exchange telecommunications company make service available to customers at the property and confirms in writing that all conditions described in subparagraphs (b)1.-4. have ceased to exist at the property, and the owner or developer has not arranged and does not intend to arrange with another communications service provider to make communications service available to customers at the property, the carrier-of-last-resort obligation under this section shall again apply to the local exchange telecommunications company at the property; however, the local exchange telecommunications company may require that the owner or developer pay to the company in advance a reasonable fee to recover costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the property initially, and the company shall have a reasonable period of time following the request from the owner or developer to make arrangements for service availability. If any conditions described in subparagraphs (b)1.-4. again exist at the property, paragraph (b) shall again apply.

(f) This subsection does not affect the limitations on the jurisdiction of the commission imposed by s. 364.011 or s. 364.013.

History.--s. 7, ch. 95-403; s. 18, ch. 97-100; s. 1, ch. 98-277; s. 1, ch. 99-354; s. 1, ch. 2000-289; s. 2, ch. 2000-334; s. 4, ch. 2003-32; s. 2, ch. 2006-80.

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rule 25-4.084, DOCKET NO. 060554-TL
F.A.C., Carrier-of-Last-Resort; Multitenant ORDER NO. PSC-07-0090-FOF-TL
Business and Residential Properties. ISSUED: February 1, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
MATTHEW M. CARTER II
KATRINA J. TEW

NOTICE OF ADOPTION OF RULE

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted Rule 25-4.084, Florida Administrative Code, relating to carrier-of-last resort; multitenant business and residential properties, without changes.


The rule was filed with the Department of State on January 31, 2007, and will be effective on February 20, 2007. A copy of the rule as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 1st day of February, 2007.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Ann Cole, Chief
Bureau of Records

(SEAL)

DES

DOCUMENT NUMBER DATE
01051 FEB-16
FPSC-COMMISSION CLERK

25-4.084 Carrier-of-Last-Resort; Multitenant Business and Residential Property.

(1) A petition for waiver of the carrier-of-last-resort obligation to a multitenant business or residential property pursuant to Section 364.025(6)(d), Florida Statutes, shall be filed with the Division of the Commission Clerk and Administrative Services and shall be delivered by hand delivery on the same day, or by overnight mail on the day following filing, upon the relevant owners or developers together with a copy of Section 364.025(6) and this rule.

(2) A petition for waiver of the carrier-of-last-resort obligation shall be limited to a single development.

(3) The petition must include the following:

(a) The name, address, telephone number, electronic mail address, and any facsimile number of the petitioner;

(b) The name, address, telephone number, electronic mail address, and any facsimile number of the attorney or qualified representative of the petitioner if any;

(c) The address or other specific description of the property for which the waiver is requested;

(d) The specific facts and circumstances that demonstrate good cause for the waiver as required by Section 364.025(6)(d);

(e) A statement that interested persons have 14 calendar days from the date the petition is received to file a response to the petition with the Commission, unless the fourteenth day falls on a Saturday, Sunday, or holiday, in which case the response must be filed no later than the next working day; and

(f) A statement certifying that delivery of the petition has been made on the relevant owners or developers and the method of delivery.

(4) A response to a petition must include the following:

(a) The name, address, telephone number, electronic mail address, and any facsimile number of the respondent;

(b) The name, address, telephone number, electronic mail address, and any facsimile number of the attorney or qualified representative of the respondent if any upon whom service of pleadings and other papers shall be made; and

(c) Whether the respondent disputes the facts and circumstances alleged in the petition.

Specific Authority 350.127(2) FS.

Law Implemented 364.025 FS.

History–New.