

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for service by) DOCKET NO. 921188-TL
Renate Henry from BELLSOUTH) ORDER NO. PSC-93-0149-FOF-TL
TELECOMMUNICATIONS, INC. d/b/a) ISSUED: 01/28/93
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA J. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING REQUEST BY RENATE HENRY

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Mrs. Renate Henry (Mrs. Henry) has filed a request on behalf of her community (approximately 16 homes) to be provided telephone service from BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). The community has never had telephone service. Past requests for service from United Telephone Company of Florida (United) have proved to be too costly for the residents due to their location. Mrs. Henry and her neighbors are closer to Southern Bell facilities than to United facilities. The community is on federally protected land and there will be no future subscriber growth in the area.

Service would be provided out of Southern Bell's Ft. Lauderdale exchange and would require a transfer of service territory. The proposed transfer area is located in Collier County, Section 16, Township 49 South and Range 34 East. The boundary line is a LATA boundary and Southern Bell would need to request a change of the LATA boundary from the Department of Justice. Although the community is in Collier County, residents consider Ft. Lauderdale (Broward County) to be their community of interest because that is where they are employed.

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The estimated cost for United to provide service via cable facilities is \$131,000, or \$143,000 if served via digital radio. Southern Bell's cost to serve is approximately \$61,000 via digital radio.

911 service would be available to this community via Ft. Lauderdale and calls would be translated and to the appropriate emergency facilities in Collier County.

Southern Bell would provide service out of the special construction section of its tariff in accordance with Rule 25-4.067, Florida Administrative Code, because these facilities would be constructed by other than normal serving methods.

Service would be provided via digital radio at a nonrecurring charge of \$3,181 per customer and with an R-1 rate of \$10.65, which is the rate for service from the Ft. Lauderdale exchange. These customers would have the option of a payment plan to lessen the impact of the nonrecurring charge.

Each customer would be required to provide his or her own antenna pole at least 55 feet in height above ground level, and placed according to BellSouth safety and grounding standards. In addition, each customer must provide a separate electrical connection with a 20 amp breaker for the necessary subscriber electronics.

Upon review, we find that Southern Bell can provide service to this community in a more affordable manner than United. Section 364.335(3), Florida Statutes, provides authority to transfer territory between telephone companies and it is our view that if a telephone company is to serve a particular area, especially when there is no anticipation of a change in that service, the associated territory should be transferred to the serving company.

We approve Mrs. Henry's request that her community receive telephone service from Southern Bell as set forth above. The associated service territory shall be transferred from United to Southern Bell. Southern Bell shall apply for a LATA boundary change from the Department of Justice (DOJ) within 10 days from the date of this Order becoming final and shall notify the Commission of the DOJ's response. Southern Bell shall have service completed to Mrs. Henry and her community within 90 days of approval by the DOJ.

Southern Bell states that repair technicians may not be able to reach this area within a 24 hour period because of its remote

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location. However, we find that our rules for repairs and outages shall still apply.

Therefore, it is

ORDERED by the Florida Public Service Commission that the request by Mrs. Renate Henry and her community to receive telephone service from BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby granted. It is further

ORDERED that the associated service territory shall be transferred from United Telephone Company of Florida to Southern Bell. It is further

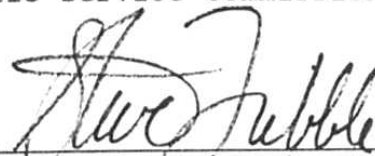
ORDERED that Southern Bell shall apply for a LATA boundary change from the Department of Justice within ten days of the date that this Order becomes final and shall notify the Commission of the response. It is further

ORDERED that Southern Bell shall provide service to Mrs. Renate Henry and her community within 90 days of an approval to serve from the Department of Justice. It is further

ORDERED that Commission repair and service rules shall apply. It is further

ORDERED that this Docket shall remain open pending the outcome of Southern Bell's application to the DOJ.

By ORDER of the Florida Public Service Commission this 28th day of January, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 18, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.