

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by subscribers,) DOCKET NO. 940994-TL
Joel and June Martin, in the) ORDER NO. PSC-94-1274-FOF-TL
Bronson exchange (SOUTHERN BELL) ISSUED: October 13, 1994
territory) to receive cross-)
boundary service from the)
Williston exchange (UNITED)
territory))
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING CROSS-BOUNDARY SERVICE

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.

This docket was initiated pursuant to a request by Joel and June Martin, in the Bronson exchange, to receive telephone service from the Williston exchange. The Bronson exchange is served by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell), and the Williston exchange is served by United Telephone Company of Florida (United).

Mrs. Martin placed an order for telephone service with United on July 20, 1994, to be connected on August 12, 1994. A telephone number was assigned at that time. Upon further review by United's engineer for that area, it was determined that the Martin's were

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

not located within United's serving territory. Furthermore, United realized that it was providing cross-boundary service to Mr. Martin's father and brother (the father received service on January 4, 1974, and the brother, February 1, 1989). United informed the customer of the error and suggested that the customer seek service from Southern Bell.

On September 8, 1994, the Commission received a letter from Southern Bell stating that it does not object to United serving the Martin's on a cross-boundary agreement. The Company further stated that it is opposed to a transfer of the territory and that it is willing to serve the customer at an estimated cost of \$5,000 - \$7,000.

United also responded on September 8, 1994, stating that it would serve the customer at the direction of the Commission or by a request from Southern Bell. United estimated the cost to serve the customer at \$3,000.

On September 9, 1994, Commission staff met with representatives of Southern Bell and United to review the customer's location and the facilities available. Each company stated that it would take approximately two weeks to provide service.

The Martin's are requesting service from the Williston exchange since they and Mr. Martin's father and brother all live on the same 80 acre farm (the father and brother currently have service from the Williston exchange). Also, all their interests are toward the Ocala area and the Williston exchange has an optional flat rate calling plan available from the Williston exchange to the Ocala exchange.

Upon review, we believe United serving the Martins on a cross-boundary basis is appropriate. Cross-boundary service will allow the two existing subscribers to retain their service from United and also permit the petitioning subscriber to get service from the exchange she initially requested. Most of the area is farm or cattle land with no new construction and few houses. Therefore, growth in this area should be limited, thus, reducing additional pressure to serve cross-boundary. Also, requiring United to serve the subscriber cross-boundary, rather than requiring a transfer of territory will minimize the costs under this particular set of circumstances.

Based on the foregoing, it is

ORDER NO. PSC-94-1274-FOF-TL
DOCKET NO. 940994-TL
PAGE 3

ORDERED by the Florida Public Service Commission that Joel and June Martin's request for cross-boundary service from United Telephone Company of Florida (Williston exchange) is approved. It is further

ORDERED that United Telephone Company of Florida file a tariff reflecting the cross-boundary service for all customers set forth in the body of this Order when Joel and June Martin receive service. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, the Order shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of October, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

MMB

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 3, 1994.

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 substantially 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.