

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by subscribers,) DOCKET NO. 941243-TL
Thomas and Dawn Fackler, in the) ORDER NO. PSC-95-0012-FOF-TL
Dunnellon exchange (SOUTHERN) ISSUED: January 4, 1995
BELL 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 Thomas and Dawn Fackler in the Dunnellon exchange to receive cross-boundary telephone service from the Williston exchange. The Dunnellon 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). The Dunnellon and Williston exchanges cannot call each other toll-free since they do not have extended area service (EAS) to one another.

The Williston (United) and Dunnellon (Southern Bell) exchange boundary lines divide the Small Farms subdivision where the Facklers reside. However, the boundary line is difficult to distinguish since it does not follow a street or natural boundary.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The Facklers state that if they are forced to take Southern Bell service from the Dunnellon exchange, it will place undue hardship on them because they will incur long distance charges when calling their parents, who live next door, and their children's school which is located in the Williston exchange.

Based on historic information provided by United and Southern Bell, the Commission became involved in the Small Farms subdivision in 1981 in response to a customer complaint. The customer wanted to call his neighbors without incurring a toll call. In 1982, the Commission attempted to resolve the dual service problem of the Small Farms area by balloting the customers for their preference in service from either Dunnellon or Williston. Of the 14 customers balloted, nine elected to retain the Williston exchange.

Since 1982, United has connected three new services in the Small Farms area. The last one was connected in April, 1994. Currently, United serves six customers in the Dunnellon portion of the Small Farms Subdivision.

In response to the Facklers' request for service, United attempted to install service, but discovered Southern Bell equipment on the applicant's house. United's service representative informed the Facklers that they would have to obtain service from Southern Bell since they are located in its territory.

Southern Bell and United have parallel facilities in the Dunnellon portion of the Small Farms Subdivision. Southern Bell has upgraded its facilities in this area within the last year.

Extended area service (EAS) has been reviewed in this area in Docket Nos. 930995-TL (EAS request by Levy County Commission for countywide calling throughout Levy County) and 940236-TL (EAS request by Marion County Commission for countywide throughout Marion County). The EAS studies between the Williston and Dunnellon exchanges indicated that calling was insufficient to warrant any form of toll relief. In addition, the Dunnellon (Levy County pocket) to the Williston exchange also failed to meet Commission rule requirements for EAS.

A boundary change is inappropriate since the Small Farms subdivision has a mix of service from both United and Southern Bell. It would be impossible to draw a boundary that would satisfy the calling needs of these areas.

Southern Bell states that it does not oppose United providing the Facklers' service as long as United ensures that the service provided by United to those customers who should be served by

ORDER NO. PSC-95-0012-FOF-TL
DOCKET NO. 941243-TL
PAGE 3

Southern Bell will, upon discontinuance of service, revert back to Southern Bell. In addition, the Company states that all new customers that request service in this area should be notified that it is Southern Bell's service territory.

Since both Southern Bell and United have facilities available to provide service, cost is not a decisive factor.

Upon review, we find that the Facklers' request for cross-boundary service from the Williston exchange (United) should be approved. However, United is directed to ensure that all future service requests for the Dunnellon portion of the Small Farms subdivision are referred to Southern Bell. In addition, if any current United subscriber discontinues service in the Small Farms subdivision (Dunnellon portion), new service at that location will be reverted to Southern Bell. Finally, United shall file a tariff reflecting the cross boundary service for all its customers in the Dunnellon portion of the Small Farms subdivision.

Based on the foregoing, it is

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

ORDERED that United ensure that all future service requests for the Dunnellon portion of the Small Farms subdivision are referred to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company. It is further

ORDERED that United Telephone Company of Florida file a tariff reflecting the cross-boundary service for all its customers in the Dunnellon portion of the Small Farms subdivision. 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.

ORDER NO. PSC-95-0012-FOF-TL
DOCKET NO. 941243-TL
PAGE 4

By ORDER of the Florida Public Service Commission, this 4th
day of January, 1995.

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 January 25, 1995.

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.

ORDER NO. PSC-95-0012-FOF-TL
DOCKET NO. 941243-TL
PAGE 5

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.