

MEMORANDUM

October 7, 1996

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OCT 08 1996

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI)
RE: DOCKET NO. 951099-TL - PETITION BY RESIDENTS OF NORTH
GOLDEN GATES AND CORKSCREW TO MOVE FROM IMMOLAKEE
EXCHANGE INTO NAPLES EXCHANGE

1205
PSC-RECORDS/REPORTING
mlb

1258-FOF-

Attached is an ORDER REINSTATING ORDER NO. PSC-96-0794-FOF-TL, MAKING IT FINAL AND EFFECTIVE, to be issued in the above-referenced docket. (Number of pages in Order - 3)

CJP/ar
Attachment
cc: Division of Communications (Shelfer, Widell)
I: 951099fo.cjp

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by residents of) DOCKET NO. 951099-TL
 North Golden Gates and Corkscrew) ORDER NO. PSC-96-1258-FOF-TL
 to move from Immokalee exchange) ISSUED: October 8, 1996
 into Naples exchange)
 _____)

The following Commissioners participated in the disposition of this matter:

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

ORDER REINSTATING ORDER NO. PSC-96-0794-FOF-TL
MAKING IT FINAL AND EFFECTIVE

BY THE COMMISSION:

By Proposed Agency Action Order No. PSC-96-0794-FOF-TL, issued June 19, 1996, this Commission ordered a ballot of the customers of North Golden Gate and the Corkscrew areas to determine whether they are in favor of moving the boundary from the Immokalee exchange to the Naples exchange, at the rates and with the additives listed in Table A.

TABLE A

ACCOUNT TYPE	NAPLES RATE (a)	IMMOKALEE RATE (b)	DIFFERENCE (a-b)	*ADDITIVE	TOTAL INCREASE	NEW MONTHLY RATE
R-1	\$ 8.73	\$ 6.47	\$2.26	\$1.68	\$3.94	\$10.41
B-1	\$20.37	\$15.20	\$5.17	\$1.68	\$6.85	\$22.05

*Additive applies for a ten-year period

The order further stated that for the ballot to pass, at least 50 percent of those balloted must respond, and of those responding, at least 60 percent must favor the boundary change.

On July 10, 1996, Roberta L. Wooster filed a timely protest of the order. On July 23, 1996, Sandra Glidden, the petitioner in this docket, filed a Motion to Dismiss Roberta L. Wooster's Petition for Section 120.57(1) Hearing and Protest of Proposed Agency Action. However, on July 25, 1996, Ms. Wooster withdrew her protest.

DOCUMENT NUMBER-DATE

10764 OCT-89

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On July 26, 1996, our staff learned that Mr. and Mrs. Russell A. Getz also filed a protest, but with the company, United Telephone Company of Florida (United), instead of this Commission. United faxed the Getz protest to our staff within the protest period, and, hence, our staff believed the protest to be valid. However, on August 7, 1996, the Getzes withdrew their protest.

With the withdrawal of the Wooster and Getz protests, we find it appropriate to reinstate Order No. PSC-96-0794-FOF-TL. It shall be made final and effective in every respect, except that United shall conduct the survey thereby required within 45 days from the issuance of this order. The ballot shall include the amount of the additive, how long the additive will be applicable, the change in rates, the change in telephone number, and the change in calling scope. The survey letter and ballot shall be submitted to staff for review prior to distribution to United's customers. In order for the survey to pass in favor of the boundary change, at least 50 percent of those balloted must respond and, of those responding, at least 60 percent must favor the boundary change.

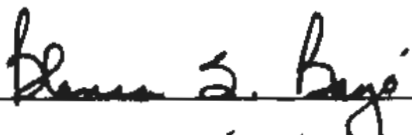
Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-96-0794-FOF-TL is reinstated and made final and effective as herein described. It is further

ORDERED that United Telephone Company of Florida shall conduct the ballot required by Order No. PSC-96-0794-FOF-TL in the manner ordered therein within 45 days from the issuance of this Order. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 8th day of October, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

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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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.