

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
telephone exchange boundary  
issues in South Brevard County.

DOCKET NO. 981345-TL  
ORDER NO. PSC-99-1140-FOF-TL  
ISSUED: June 7, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER APPROVING MEMORANDUM OF UNDERSTANDING  
AND REQUIRING CUSTOMER SURVEY

BY THE COMMISSION:

In May of 1998, we opened Docket No. 980671-TL to review numbering plan relief for the 407 area code. At the August 6, 1998, and September 25, 1998, customer hearings conducted in that Docket, Brevard County Commissioner Nancy Higgs and other participants expressed concerns about the effects of the proposed relief on the southern portion of Brevard County, which is known the Barefoot Bay area. As a result of the concerns raised at the customer hearings, we established this docket, Docket No. 981345-TL, on October 14, 1998.

The customers explained that certain telephone subscribers in the southern portion of Brevard County, the Barefoot Bay area, are in a different area code or Numbering Plan Area (NPA) than those in the remainder of the county. Locally, this area is referred to as the Micco community. The subscribers in this area are served by

DOCUMENT NUMBER-DATE

06944 JUN-78

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-1140-FOF-TL  
DOCKET NO. 981345-TL  
PAGE 2

BellSouth Telecommunications, Inc. (BellSouth) from the Sebastian exchange. The Sebastian exchange spans Brevard County and neighboring Indian River county. Currently, 6,605 Sebastian exchange subscribers reside in Brevard County and are served from the 561 NPA.

The remainder of Brevard County is in the 407 NPA. Pursuant to Order No. PSC-98-1761-FOF-TL, issued December 29, 1998, in Docket No. 980671-TL, the 407 NPA is presently subject to the implementation of relief measures, which will impact all of Brevard County, including the Micco community, although the relief plan did not include the Micco community because Micco is in the 561 NPA. In accordance with Order No. PSC-98-1761-FOF-TL, the relief plan for the 407 NPA will include a division, or split, of the current 407 NPA. This split will result in a new NPA of 321 replacing the 407 NPA in Brevard County. Permissive dialing, the transition period in which the telephone subscribers may use either the old or the new NPA, was ordered to begin on November 1, 1999, with mandatory dialing for the new NPA set for October 1, 2000, in the split region of Brevard County.

On February 3, 1999, our staff met with BellSouth Telecommunications, Inc. (BellSouth) and the other parties to this docket to explore alternatives for the telephone subscribers in south Brevard County. Finding a resolution for the boundary exchange issues was important, in view of the 407 NPA relief plan. Subsequently, the parties to this docket drafted a Memorandum of Understanding (Memorandum), which outlined specific proposals. The Memorandum was filed for Commission approval on April 6, 1999, and is incorporated herein as Attachment A to this Order.

The key provisions of the Memorandum are as follows:

- A: BellSouth will establish a new exchange that will encompass all of the Sebastian exchange customers in Brevard County. These customers currently have the 561 NPA and prefix codes of 663 and 664.

- B: Upon implementation, the newly created exchange (item A preceding) will be in the same NPA (321) as the remainder of Brevard County.
- C: The exchange rates and calling scope for the (proposed) new exchange will be no different for the affected subscribers than what they currently possess.
- D: Only the area code portion of the subscribers' telephone numbers will change (from 561 NPA to 321 NPA). (Their seven (7) digit telephone number will not change at this time).
- E: The dialing pattern for the (proposed) new exchange would be:
- 1) IntraNPA local (incl. Extended Area Service) 7-digits
  - 2) InterNPA local (incl. Extended Area Service) 10-digits
  - 3) All Extended Calling Service w/ competition 1+10-digits
  - 4) All interNPA Extended Calling Service w/o competition 10-digits
- F: BellSouth will work to ensure that there will be no impact to the 911 or Directory Assistance networks for all subscribers.
- G: The Commission will determine what, if any, balloting and balloting methodology will be required to implement the stipulations in this Memorandum.
- H: The balloting, if ordered and not approved, will have no effect on the implementation of the 407 relief plan in Docket No. 980671-TL.
- I: If balloted and approved, all parties would work out an acceptable implementation schedule for all of the noted changes.
- J: All rights and authority provided for under Chapter 364, Florida Statutes, remain unchanged by the provisions of the Memorandum.

K: The Commission will allow BellSouth to recover the cost of implementing the provisions of the Memorandum by methods other than enduser surcharges.

Having reviewed the provisions of the Memorandum of Understanding, we find that it reasonably addresses the concerns voiced by the customers and Brevard County Commissioner Nancy Higgs. The actions outlined in the Memorandum divide the Sebastian exchange along the Brevard County and Indian River County boundary. The Brevard County subscribers will be in the newly created exchange with the 321 NPA. These subscribers will keep their present telephone numbers, and the dialing patterns for the new exchange will be consistent with the current dialing patterns of Sebastian's subscribers. The remainder of the Sebastian exchange customers, which reside in Indian River County, will stay in the 561 NPA, and are unaffected by our decision herein.

Further, we find it appropriate to ballot the affected subscribers to determine if they are in favor of being served from the newly created exchange and having their area code changed from 561 to 321. By requiring that the affected subscribers be balloted, they are afforded the opportunity to remedy their exchange boundary concerns and enable them to avoid future changes that may be necessitated when area code relief is examined in the 561 NPA.

Therefore, we hereby order BellSouth to survey the affected customers within 45 days of the issuance of this Order. The survey shall be conducted in accordance with the survey provisions applicable to survey for extended area service (EAS) set forth in Rule 25-4.063, Florida Administrative Code, with the exception of subsection (6) of the rule. Instead of the threshold set forth in subsection (6), we find it appropriate in this instance to require that at least 50 percent of the balloted customers respond to the survey and at least 50 percent of those responding must vote in favor of the exchange boundary modification for the survey to pass. We believe that this modified threshold is appropriate in this

ORDER NO. PSC-99-1140-FOF-TL  
DOCKET NO. 981345-TL  
PAGE 5

case, because a new exchange is being created, and the proposed plan will entail a change to the affected customers' area code.

In addition, the ballot shall advise the affected subscribers that their seven digit telephone number will not change, that their calling scope and exchange rates will not change, but that their area code will change from 561 to 321. The survey letter and ballot shall be submitted to our staff for review prior to distribution to the affected subscribers.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the Memorandum of Understanding, attached and incorporated herein as Attachment A, submitted by the parties to this Docket on April 6, 1999, is hereby approved. It is further

ORDERED that BellSouth Telecommunications, Inc. shall survey the affected customers within 45 days of the issuance of this Order in the manner described in the body of this Order. It is further

ORDERED that this Docket shall remain open pending the outcome of the survey.

By ORDER of the Florida Public Service Commission this 7th day of June, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

BK

ORDER NO. PSC-99-1140-FOF-TL  
DOCKET NO. 981345-TL  
PAGE 6

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

MEMORANDUM OF UNDERSTANDING

RE: Florida PSC Docket No. 981345-TF - Investigation into telephone exchange boundary issues in  
South Brevard County

By the Undersigned parties:

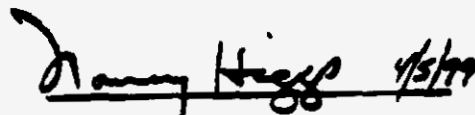
As a result of a formal meeting on February 3, 1999, between the Florida Public Service Commission Staff, BellSouth, and representatives from Brevard County in the above referenced docket, BellSouth and the representatives from Brevard County have come to a mutually agreeable understanding regarding the status of telecommunications service in South Brevard County currently within the 561 area code.

In an attempt to resolve this proceeding, the parties agree and understand the following:

1. BellSouth will establish a new exchange that will encompass all of the customers in the 561-663 and 561-664 NXXs.
2. BellSouth will change the customers identified in 1 from 561 area code to 321 area code.
3. The calling scope and local exchange rate for the new exchange will remain the same as it is at the time of this filing.
4. The area code change discussed in 2 will require the customers to change their area code and should not require any further number changes.
5. The dialing pattern for the areas moved to the 321 area code will be the following:
  - a. IntraNPA local (including EAS) - 7 digits
  - b. IntraNPA local (including EAS) - 10 digits
  - c. All ECS with competition - 1-10 digits
  - d. Intra NPA ECS without competition - 10 digits
6. BellSouth will work to ensure there will be no impact to the 911 and local Directory Assistance provided to the customers of the new exchange.
7. The Florida Public Service Commission shall ballot the customers in the new exchange to determine if the customers are acceptable to the changes proposed by this Memorandum of Understanding.
8. The Florida Public Service Commission shall determine the appropriate balloting methodology to be used to evaluate whether the ballot passes or fails.
9. If the ballot fails, the Florida Public Service Commission should close this docket since there is no other option that could resolve this proceeding.
10. If the ballot passes, BellSouth, the representatives from Brevard County, and the Florida Public Service Commission Staff will work out an acceptable implementation schedule for the changes listed herein.
11. BellSouth does not waive any rights or grant the Florida Public Service Commission any additional authority except as what is expressly granted to it by Chapter 364, Florida Statutes.
12. The Florida Public Service Commission will allow BellSouth to recover its cost of implementation of this Memorandum of Understanding by methods other than end user.

Now Therefore,

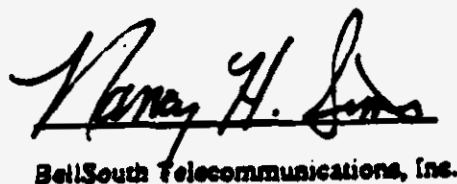
The parties acknowledge and agree to this Memorandum of Understanding and submit it to the Florida Public Service Commission as a resolution to this proceeding. If the Florida Public Service Commission does not accept this Memorandum in full then the Memorandum of Understanding is null and void.

 4/5/99

Nancy Higgs Date  
Brevard County Commissioner  
District 3

 4/1/99

Helen Volts Date  
Brevard County Commissioner  
District 3

  
BellSouth Telecommunications, Inc.

 4/1/99  
Mike Cunningham Date  
President, Micco Homeowners Assn.