

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
telephone exchange boundary
issues in South Volusia County
(Deltona Area).

DOCKET NO. 981795-TL
ORDER NO. PSC-99-1133-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

BY THE COMMISSION:

I. BACKGROUND

At the August 7, 1998, and September 24, 1998, customer hearings in Docket No. 980671-TL, the Request for Review of Proposed Numbering Plan Relief for the 407 Area Code, a representative from the City of Deltona, Commissioner Wayne Gardner, expressed concerns about the effects of the proposed relief on the Deltona/Southwest Volusia County area. In particular, he noted that the relief proposal would impact the city of Deltona and establish three (3) area codes or Numbering Plan Areas (NPAs) within its limits. Commissioner Gardner also spoke at the December 1, 1998, Agenda Conference. On December 2, 1998, we established this docket pursuant to a request from Volusia County leaders for assistance with the unique boundary issues in the Deltona/Southwest Volusia County area.

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FPSC-RECORDS/REPORTING

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At present, the telephone subscribers in the Deltona/Southwest Volusia County area are served by two local exchange companies (LECs), BellSouth Telecommunications, Inc. (BellSouth) and Sprint-Florida, Incorporated (Sprint). The Deltona/South Volusia County region is also unique in that an NPA boundary line divides the area. The subscribers in the Sprint exchange of Orange City are in the 904 NPA. The BellSouth exchanges of DeBary and Sanford are in the 407 NPA. The city of Deltona reaches into all three of these exchanges. Additionally, the Local Access and Transport Area (LATA) line dividing the Daytona and Orlando LATAs crosses through this section of Volusia County. In most, but not all instances, the NPA and LATA lines follow the same boundaries. This is not the case in the Deltona/South Volusia County area. Attachment A is a map which depicts the affected region.

By Order No. PSC-98-1761-FOF-TL, the Final Order Approving Number Plan Relief for the 407 Area Code, issued December 29, 1998, we approved a relief plan for the 407 NPA in Docket No. 980671-TL. In part, the relief plan specified a division, or split, of the current 407 NPA, with a new NPA of 321 replacing the 407 NPA in Brevard County. The plan also called for an overlay whereby the new NPA would be extended over the remaining geographic area of the present 407 NPA. The implementation of this plan results in the situation about which Deltona Commissioner Gardner expressed concerns. That is, the plan would have created three different area codes within the City of Deltona.

Therefore, on January 28, 1999, our staff met with Sprint, BellSouth, City of Deltona, and Volusia County leaders to explore alternatives for the telephone subscribers in the Deltona area. Subsequently, the parties to this docket (Sprint, BellSouth, the city of Deltona, and Volusia County) met again on March 2, 1999, and drafted a Memorandum of Understanding, which detailed specific proposals that all parties agreed upon. This document, which is incorporated herein and found as Attachment B to this Order, was filed with the Division of Records and Reporting on April 1, 1999.

In this Order, we review the Memorandum of Understanding as filed by the parties to resolve the issues in this docket in lieu of continuing the formal hearing process.

II. MEMORANDUM OF UNDERSTANDING

In the Memorandum of Understanding, BellSouth agrees to identify the Sanford exchange subscribers in Volusia County (approximately 4,258) and create a new exchange called Osteen to serve them, if approved by Commission balloting. Provided the ballot measure is approved, BellSouth and Sprint agree to implement non-optional extended area service (EAS) between the Osteen and Orange City exchanges. In addition to the EAS noted above, Osteen's calling scope would mirror Sanford's current scope.

The local exchange rate for the Osteen exchange would fall into BellSouth's Rate Group #9. Presently, the Sanford exchange subscribers are in BellSouth's Rate Group #8; the difference between the two rate groups being \$.25/month, residential and \$.80/month business.

All NXX codes for BellSouth's DeBary and Osteen exchanges would remain in the 407 area code. However, the creation of the Osteen exchange will require a telephone number change. In addition, the dialing patterns for the DeBary and Osteen exchanges (including non-optional EAS to Orange City in the 904 area code) will be:

Dialing Patterns	
Local calling in DeBary & Osteen	7 digits
Local calling into the overlay & InterNPA (including EAS)	10 digits
All extended calling service (ECS) routes within or between NPAs where interexchange carriers are authorized to compete	1+10 digits

All ECS routes within or between NPAs where interexchange carriers are not authorized to compete	10 digits
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These dialing patterns would exist until area code relief is necessary in the 904 area code. Also, the LECs will work to ensure that there will be no impact to the 911 or Directory Assistance networks for all subscribers.

The Memorandum of Understanding also provides that the Commission is to determine what, if any, balloting is required. Also, the Commission is to determine what, if any, balloting methodology to employ. The balloting, if ordered and not approved, would have no impact on the DeBary exchange. If balloted and approved, all parties would work out an acceptable implementation schedule for all noted changes.

Finally, the parties do not waive any rights or grant the Commission any additional authority except that expressly granted in Chapter 364, Florida Statutes. Further, the Commission is to allow BellSouth and Sprint to recover the cost of implementing the agreed to items by methods other than end user surcharges.

III. CONCLUSION

We believe that the Memorandum of Understanding adequately addresses the specific concerns voiced by Deltona Commissioner Gardner on behalf of his constituency. The Memorandum of Understanding plan, crafted with input from the City of Deltona and Volusia County leaders, would divide the Sanford exchange along the county boundaries of Seminole and Volusia, and create a new exchange called Osteen. The affected Osteen customers will be balloted due to the boundary and resulting number change. If balloted, BellSouth estimates that 4,258 subscribers would be affected.

As noted in an earlier portion of this Order, if the ballot is approved, the Osteen subscribers will be in BellSouth's Rate Group #9. Presently, the Sanford exchange subscribers are in BellSouth's

Rate Group #8. The difference between the two rate groups is \$.25 per month residential and \$.80 per month business. The Osteen subscribers, however, gain EAS to the Orange City exchange, a route that is currently ECS from the Sanford exchange. This ECS route is presently rated at \$.25 per call residential and \$.10 for the first minute and \$.06 each minute thereafter per call for businesses. With the exception of Orange City, the calling scopes for the Sanford and Osteen exchanges are identical. In summation, if balloted and approved, the Osteen subscribers will retain their present calling scope and receive the benefit of non-optional two-way EAS to Orange City, in exchange for changing their phone numbers, reclassification into BellSouth's Rate Group No. 9, and no overlay of the 321 area code.

The dialing patterns for the Osteen subscribers are consistent with the current dialing patterns of Sanford's subscribers. Any future NPA relief in the 904 area code, however, may affect these patterns. We take comfort in BellSouth's assurance that it will work to ensure that the proposed exchange will pose no problems with the 911 systems in place or with Directory Assistance.

Finally, we agree that allowing BellSouth to recover its costs for implementing the articles of this Memorandum of Understanding by methods other than end user surcharges is appropriate.

Upon consideration, we find that the Memorandum of Understanding (Attachment B) agreed to by the BellSouth, Sprint, the City of Deltona, and the Volusia County government best resolves the area code concerns in the Deltona/Southwest Volusia County area. Accordingly, we hereby approve the Memorandum of Understanding as resolution of all outstanding issues in this docket. Implementation, however, is contingent upon the results of the balloting procedure prescribed in the final section of this Order.

IV. BALLOTING REQUIREMENTS

We find it appropriate to require BellSouth and Sprint to survey the affected customers to determine if they are in favor of being served from the newly created exchange, Osteen. There are no

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rules covering requirements for such a survey. The parties believe and we agree that a ballot measure which proposes a number change should be decided by those affected. Such an approach is reasonable and prudent for this type of exchange boundary change. Accordingly, we find that the survey provisions set forth in Rule 25-4.063, Florida Administrative Code, should be used. However, to determine whether the customers are in favor of the change, the survey results must establish a simple majority, where at least 50 percent of the balloted customers must have responded to the survey and over 50 percent of those responding must have voted in favor of the exchange boundary modification. BellSouth shall initiate the subscriber survey no later than August 16, 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Memorandum of Understanding between the City of Deltona, Volusia County, BellSouth Telecommunications, Inc., and Sprint-Florida, Incorporated in resolution of the outstanding issues in this docket is hereby approved contingent upon the successful completion of the balloting requirements of this Order. It is further

ORDERED that this docket shall remain open pending the outcome of the subscriber survey results.

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)
WPC

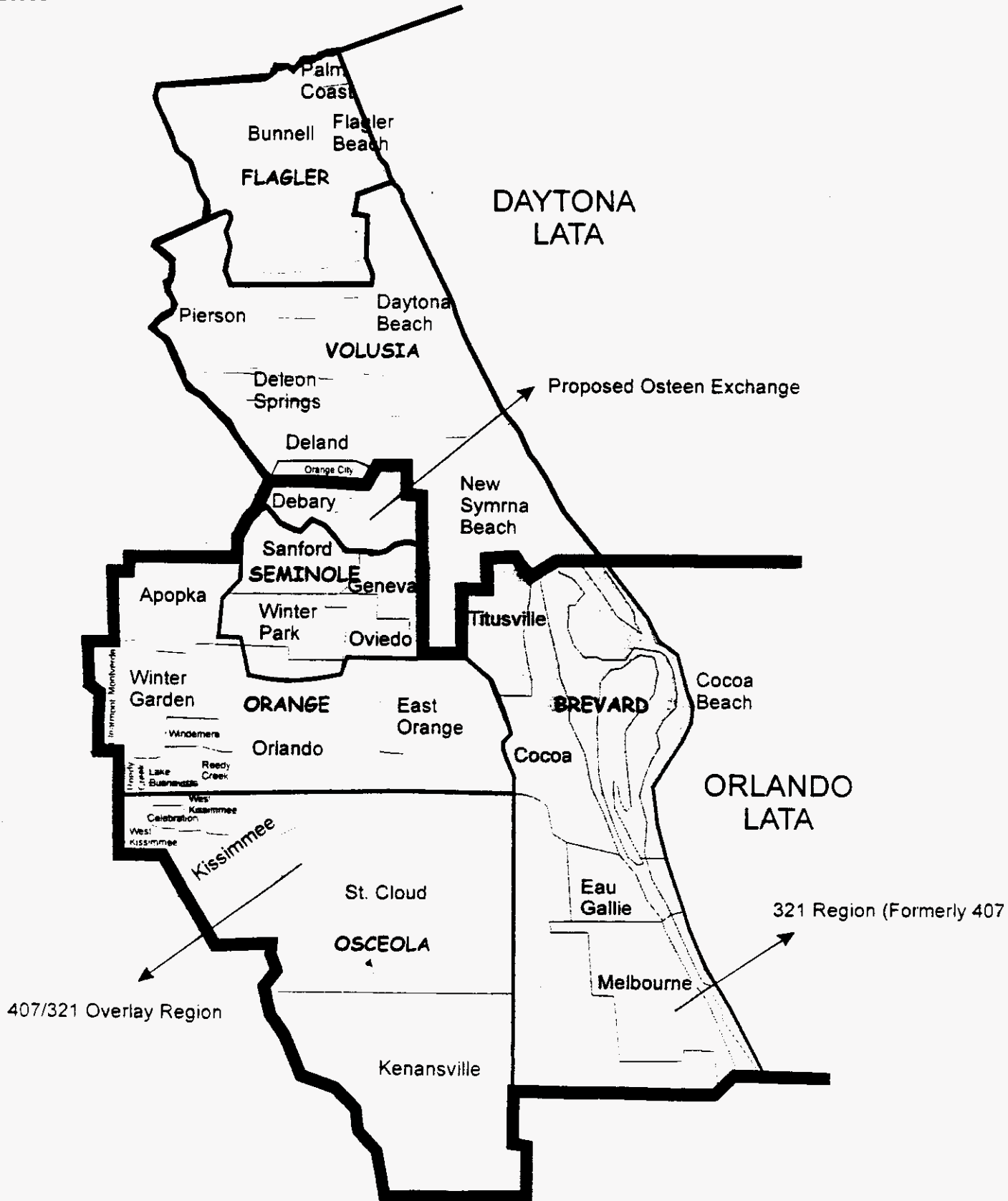
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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.

ATTACHMENT A



MEMORANDUM OF UNDERSTANDING

RE: Florida PSC Docket No. 981795-TP - Investigation into telephone exchange boundary issues in South Volusia County (Deltona Area)

By the Undersigned parties:

As a result of the March 2, 1999 meeting, between BellSouth, Sprint, and representatives from Volusia County in the above referenced docket, BellSouth, Sprint and the representatives from Volusia County have come to a mutually agreeable understanding regarding the status of telecommunications service in South Volusia County currently in the 407/321 area code.

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

1. BellSouth will establish a new exchange (Osteen) that will encompass all of the customers in the Sanford exchange who live in Volusia County if approved by any required ballot or otherwise ordered by the Commission.
2. BellSouth and Sprint agree to implement non-optional EAS between Osteen and Orange City upon approval of any balloting for the Osteen telephone number changes (Item 6). If no balloting is required, and subject to creation of the Osteen exchange pursuant to Items 1 and 6, non-optional EAS will be implemented. If balloting is required and fails, Items 1, 2, and 6 will not be implemented.
3. In addition to getting EAS discussed in Item 2, the calling scope for the Osteen exchange, if created, will remain the same as the current calling scope of the Sanford exchange.
4. The local exchange rate for the Osteen exchange, if created, will be Rate Group #9.
5. The area code for BellSouth's DeBary and Osteen exchange(s), if created, will remain 407.
6. The change discussed in 1 will require telephone number changes in the Osteen exchange.
7. The dialing pattern for the DeBary and Osteen exchange(s), if created, will be the following until the 904 area code comes up for relief:
 - a. Local calling within DeBary and Osteen exchange(s), if created - 7 digits
 - b. Local calling into the overlay area and InterNPA (including EAS) - 10 digits
 - c. All ECS with competition - 1+10 digits
 - d. InterNPA ECS without competition - 10 digits
8. BellSouth and Sprint will work to ensure there will be no impact to the 911 and local Directory Assistance provided to the customers of the DeBary and Osteen, if created, exchange(s).
9. The Florida Public Service Commission shall determine what balloting of customers, if any, shall be required for implementation of the number changes related to Items 1, 2, and 6. The outcome of any required balloting shall not affect implementation of the DeBary portion of Item 5.
10. The Florida Public Service Commission shall determine the appropriate balloting methodology to be used to evaluate whether any required ballot passes or fails.
11. If any required ballot fails, the implementation of the DeBary portion of Item 5 shall still go forward and the Florida Public Service Commission should close this docket.
12. Any required ballot passes, BellSouth, Sprint, the representatives from Volusia County, and the Florida Public Service Commission Staff will work out an acceptable implementation schedule for this change.
13. The parties do 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.
14. The Florida Public Service Commission will allow BellSouth and Sprint to recover the cost of implementing this memorandum by methods other than end users.

ATTACHMENT B

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.

BELLSOUTH TELECOMMUNICATION, INC.

SIGNED: [Signature]
NAME: Nancy H. Sims
TITLE: Director - Regulatory Relations
DATE: 3-23-99

SPRINT OF FLORIDA, INC.

SIGNED: [Signature]
NAME: CHARLES T. ZENWINKEL
TITLE: Senior Attorney
DATE: MARCH 24, 1999

VOLUSIA COUNTY COMMISSION

SIGNED: [Signature]
NAME: Patricia Northey
TITLE: Chair
DATE: March 4, 1999

CITY OF DELTONA

SIGNED: [Signature]
NAME: JOHN MASLAGIANK
TITLE: MAYOR
DATE: 3-16-99