

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-99-2097-FOF-TL
ISSUED: October 22, 1999

The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER ON SUBSCRIBER SURVEY

BY THE COMMISSION:

This docket was established on October 14, 1998, in response to concerns brought to our attention by elected officials from Brevard County and representatives of the Micco Homeowners Association in Docket No. 980671-TL, the Request for Review of Proposed Numbering Plan Relief for the 407 Area Code. Specifically, those concerns pertained to an area in the southernmost portion of Brevard County known as the Barefoot Bay area.

At present, certain Sebastian exchange telephone subscribers in the Barefoot Bay area are in a different area code or Numbering Plan Area (NPA) than those in the remainder of their county. Locally, this area is referred to as the Micco community. The subscribers in this area are served by 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, and Order No. 99-0679-FOF-TL, issued April 6, 1999, 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. The relief plan itself did not,

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however, include the Sebastian exchange subscribers in Brevard County, because their current NPA was not subject to the relief plan. In accordance with Order No. PSC-98-1761-FOF-TL, the relief plan for the 407 NPA included a division, or split, of the current 407 NPA, with 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 and the other parties to this docket to explore alternatives for the Sebastian exchange 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 with the our Division of Records and Reporting on April 6, 1999.

By Order No. PSC-99-1140-FOF-TL, issued June 7, 1999, we approved the Memorandum, and ordered BellSouth to conduct a subscriber survey to determine whether the affected subscribers would favor being served from a newly created exchange and having their area code changed to 321, along with the remainder of Brevard County residents.

Pursuant to Order No. PSC-99-1140-FOF-TL, the survey was conducted in accordance with the survey provisions applicable to balloting in extended area service (EAS) cases, as set forth in Rule 25-4.063, Florida Administrative Code, with the exception of subsection (6) of the rule. Instead of the thresholds set forth in subsection (6), we found it appropriate, in this instance, to require that at least 50 percent of the balloted customers respond to the survey. Of that percentage, we found that at least 50 percent of the respondents had to vote in favor of the exchange boundary modification for the survey to pass.

The balloting results demonstrate that the response threshold we set was met, but less than 50% of the respondents voted in favor of creating a new exchange, as shown below.

BALLOTING RESULTS

	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>	<u>PERCENT OF TOTAL RETURNED</u>
Ballots Mailed	6,100	100.00%	
Ballots Returned	3,608	59.15%	
FOR Proposal	1,713	28.08%	47.48%
AGAINST Proposal	1,833	30.05%	50.80%
Invalid	62	1.02%	1.72%

An insufficient number of respondents voted in favor of the proposal. Therefore, based on the survey results, we shall not require the creation of a new exchange, nor shall we require the area code to be changed from 561 to 321 for customers in the Sebastian exchange.

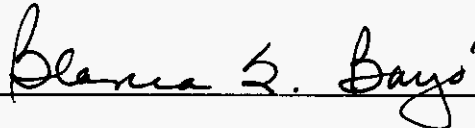
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed new exchange described in Order No. PSC-99-1140-FOF-TL shall not be established and no area code change shall be implemented at this time for the Sebastian exchange. It is further

ORDERED that this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 22nd
day of October, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.