

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of
BellSouth Telecommunications,
Inc. (holder of LEC Certificate
No. 8) and Sprint-Florida,
Incorporated (holder of LEC
Certificate No. 22) to transfer
territories in Orange and
Hernando Counties and to amend
certificates.

DOCKET NO. 990958-TL
ORDER NO. PSC-99-2306-PAA-TL
ISSUED: November 30, 1999

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING PETITION TO MODIFY EXCHANGE BOUNDARIES IN
ORANGE AND HERNANDO COUNTIES

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.

On July 23, 1999, BellSouth Telecommunications Inc.
(BellSouth) and Sprint-Florida, Incorporated (Sprint) filed a joint
petition for the transfer of certain areas in Orange and Hernando
Counties and to amend the companies' certificates. In conjunction
with an earlier filed petition, on January 14 and 15, 1999, our
staff had conducted on-site visits to the four areas listed in the
joint petition.

The first proposed boundary change is to move a portion of the
Riverfront Apartment Complex located in Orlando, Florida, and a
portion of the Econ River Estates subdivision, also located in

DOCUMENT NUMBER-DATE

14583 NOV 30 99

PSC-RECORDS/REPORTING

ORDER NO. PSC-99-2306-PAA-TL
DOCKET NO. 990958-TL
PAGE 2

Orlando, from the Sprint Winter Park Exchange to the BellSouth Orlando-Azalea Park Exchange. The Riverfront Apartment Complex is an established community within the BellSouth Orlando-Azalea Park Exchange. The northern portion of the Riverfront Apartment Complex is located in the Sprint Winter Park Exchange. The petitioners state that the boundary change for the Riverfront Apartment Complex is being made to include a very small portion of common area and parking lot where no customers reside or will ever likely reside. After reviewing the proposed joint petition, we find that no subscribers would be affected by modifying the BellSouth Orlando-Azalea Park Exchange to include all of the Riverfront Apartment Complex.

The Econ River Estates is also an established community. Thirty-three of the 91 residential lots in the Econ River Estates Subdivision are located in the BellSouth Orlando-Azalea Park Exchange and the remainder are in the Sprint Winter Park Exchange. We note that BellSouth is currently providing service to the 58 subscribers located in the Sprint Winter Park Exchange. Since all Econ River Estates' residents are presently paying BellSouth rates, we believe that customers will be unaffected, in practice, by including the entire Econ River Estates subdivision in the BellSouth Orlando Azalea Park Exchange.

The second proposed boundary change is to move part of the Plateau Subdivision from BellSouth's Brooksville exchange to Sprint's Trilacoochee exchange. Currently 13 of the 52 residential lots are located in the Brooksville exchange, with the remainder located in the Trilacoochee exchange. All lots are presently owned by the developer. We agree that no subscribers would be affected by modifying the Sprint Trilacoochee Exchange to include the entire Plateau Subdivision because no houses have been built yet.

The third proposed boundary change is to move part of the proposed Windermere Chase Subdivision located in BellSouth's Orlando exchange to Sprint's Winter Garden exchange. Our staff visited the area and reported that Windermere Chase is a subdivision with over 20 lots in BellSouth's territory. The developed part (Phase 1) of Windermere is located in BellSouth's territory with no homes under construction at the time of staff's site visit, which confirms that no homes have yet been built in the area to be transferred.

The fourth proposed boundary change is to move part of the Westminister Reserve Subdivision located in Sprint's Windermere

ORDER NO. PSC-99-2306-PAA-TL
DOCKET NO. 990958-TL
PAGE 3

exchange to BellSouth's Orlando exchange. The Petitioners state that the majority of the residential lots in the subdivision are located in the BellSouth Orlando-Pine Hills Exchange. We agree. There are only nine houses located in the Sprint Windermere Exchange. Since BellSouth is presently providing service to these nine homes, we believe that customers would be unaffected, in practice, by this boundary change.

In addition, our staff has confirmed the accuracy of BellSouth's and Sprint's statements in their petition that present boundary lines are generally along section lines, roads, and streets. In some cases, the existing boundary bisects planned subdivisions located in both companies' territories. In addition, boundaries may bisect individual lots in planned subdivisions, which makes servicing difficult. Through its petition, the companies requested to transfer territory in order to avoid dividing planned subdivisions and to move the existing boundary to more readily discernable terrain features. Boundary redefinitions will minimize, if not negate, the future possibility that boundaries in these areas could bisect subdivisions or individual lots, thereby rendering the boundaries more usable in the provision and administration of service.

Upon consideration, we find that BellSouth and Sprint have complied with applicable provisions of Rules 25-4.005(1)(a), (b), (c) and 25-4.003(3), Florida Administrative Code. Therefore, we hereby grant BellSouth's and Sprint's request to modify certain exchange boundaries in Orange and Hernando Counties since this boundary change request eliminates cross boundary service and does not adversely affect customers. The companies' certificates shall be modified accordingly. This Order shall be retained by the companies as evidence of this modification. In addition, BellSouth and Sprint shall file tariffs within sixty days of the issuance date of this Order reflecting the exchange boundary changes.

It is therefore,

ORDERED by the Florida Public Service Commission that the joint petition filed by BellSouth Telecommunications, Inc. and Sprint-Florida, Incorporated is granted because it meets the requirements of Rules 25-4.005(1)(a), (b), and (c) and 25-4.005(3), Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas. It is further

ORDER NO. PSC-99-2306-PAA-TL
DOCKET NO. 990958-TL
PAGE 4

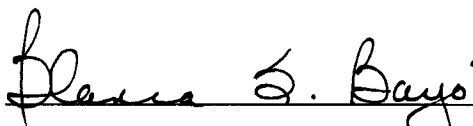
ORDERED that the companies' certificates shall be modified accordingly. This Order shall be retained by the companies as evidence of this modification. It is further

ORDERED that BellSouth Telecommunications, Inc. and Sprint-Florida, Incorporated shall file tariffs within sixty days of the issuance date of this Order reflecting the exchange boundary changes. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of November, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

ORDER NO. PSC-99-2306-PAA-TL
DOCKET NO. 990958-TL
PAGE 5

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 21, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

M E M O R A N D U M

November 23, 1999
30

RECEIVED-FPSC

99 NOV 30 PM 12:54

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *Dwc BK*

RE: DOCKET NO. 990958-TL - JOINT PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. (HOLDER OF LEC CERTIFICATE NO. 8) AND SPRINT-FLORIDA, INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 22) TO TRANSFER TERRITORIES IN ORANGE AND HERNANDO COUNTIES

2306-RAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION AND ORDER GRANTING PETITION TO MODIFY EXCHANGE, to be issued in the above-referenced docket. (Number of pages in order - 5)

DWC/sa
Attachment
cc: Division of Telecommunications
I:990958.dwc

See 3, 4

2/1