

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-99-2372-FOF-TL
ISSUED: December 6, 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 SURVEY RESULTS AND
DENYING MOTION FOR EXTENSION OF TIME

BY THE COMMISSION:

This docket was established on December 2, 1998, pursuant to a request from Volusia County leaders for assistance with the unique boundary issues in the city of Deltona and the southwest Volusia County area.

At present, the telephone subscribers in the Deltona/southwest Volusia County area are served by two (2) local exchange companies (LECs), BellSouth Telecommunications, Inc. (BellSouth) and Sprint-Florida, Inc. (Sprint). The Deltona/southwest Volusia County region is also unique in that an area code or Numbering Plan Area (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/southwest Volusia County area.

On January 28, 1999, our staff conducted a workshop and Issue Identification meeting with Sprint, BellSouth, 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

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again on March 2, 1999, and drafted a Memorandum of Understanding upon which all parties agreed. The Memorandum of Understanding suggested, among other things, that certain subscribers be surveyed to determine whether they would be in favor of creating a new exchange. If approved, the new exchange would be created by dividing BellSouth's Sanford exchange. These subscribers would be exempted from the 321 NPA overlay relief plan.

By Order No. PSC-99-1133-FOF-TL, issued June 7, 1999, we approved the Memorandum of Understanding and ordered that the subscriber survey be conducted. Rule 25-4.063, Florida Administrative Code, was used as a guideline for this survey, but we required that, for the measure to pass, 50 percent of those surveyed must reply, and a simple majority of those responding must vote in favor of the proposal.

Rule 25-4.063(3)(e), Florida Administrative Code, provides that the balloting period must be open for a minimum of 30 days. Three thousand, nine hundred, seventy-four (3,974) ballots with explanatory letters were mailed out on August 16, 1999. Those polled were given a 30 days to respond. We accepted ballots with a postmark up to and including September 17, 1999.

On September 22, 1999, Volusia County filed a Motion for an Extension of Time for the balloting directed in Order No. PSC-99-1133-FOF-TL. The County requests an extension of time for the responses to the subscriber survey on the basis of the disruption of normal activities brought on by the approach of Hurricane Floyd during the last week of the balloting period. The County asks for an unspecified extension of time, requesting that the parties agree upon a new ending date. No responses to the Motion were filed.

Motion for Extension of Time

In its Motion, Volusia County has failed to demonstrate that an extension is necessary. While we recognize that the Volusia county citizens, including the balloted subscribers, were likely impacted by the approach of Hurricane Floyd, the County has not demonstrated that the balloting for this matter was adversely affected.

We acknowledge that Hurricane Floyd did, in fact, disrupt normal activities, resulting in mandatory evacuations, store and business closings, property damage, and some flooding. At the height of the crisis, it is our understanding that area post

offices were closed for the entire day on September 15, 1999, but resumed normal operations the following day. However, from a historical perspective, most respondents to subscriber surveys cast their votes within the first week of receiving their explanatory letter and ballot. This pattern was evident in this case as well. After the initial two (2) week period for receiving ballots, our staff noted a sharp decline in the voting. In successive weeks, the trend continued, up to and including the final date for replies, September 17, 1999. It does not, therefore, appear that an extension of the balloting period beyond this date would result in any more replies than have already been received. Even if we were to include the 14 ballots we received after September 17, 1999, those ballots shown in the summary as 'invalid' in Table A, the outcome of this survey would not change.

Based on the foregoing, Volusia County's Motion for Extension of Time for balloting directed in Order No. PSC-99-1133-FOF-TL is hereby denied.

Results of Subscriber Survey

In accordance with Order No. PSC-99-1133-FOF-TL, issued June 7, 1999, the survey was conducted using, as a guideline, Rule 25-4.063, Florida Administrative Code, which sets forth the survey provisions applicable to balloting in extended area service (EAS) cases, with the exception of subsection (6) of the rule. As explained above, in this instance, we required that at least 50 percent of the balloted customers respond to the survey, and at least 50 percent of those responding had to vote in favor of creating the new exchange for the survey to pass, instead of the thresholds set forth in subsection (6) of Rule 25-4.063, Florida Administrative Code. The balloting results, as set forth below, demonstrate that the response threshold was not met, and therefore, the survey failed.

TABLE A
BALLOTING RESULTS

	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>
Ballots Mailed	3,974	100.00%
Ballots Returned	1,224	30.80%
FOR Proposal	513	12.91%
AGAINST Proposal	683	17.18%
Invalid (late)	14	<1.00%
Invalid(other)	14	<1.00%

Based upon the survey results, we shall not approve the creation of the new exchange described in the Memorandum of Understanding. The survey responses, or lack thereof, indicate that the affected customers prefer to maintain the status quo at this time.

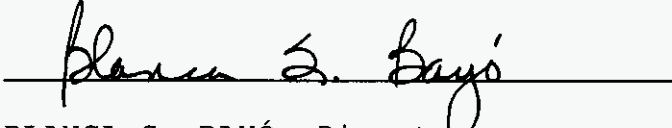
Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the proposal to create a new exchange, set forth in the parties' Memorandum of Understanding and incorporated in Order No. PSC-99-1133-FOF-TL, is hereby denied. It is further

ORDERED that this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 6th
day of December, 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.