

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to change demarcation point specified in Rule 25-4.0345(1)(b), F.A.C., by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.	DOCKET NO. 090224-TL ORDER NO. PSC-09-0414-PAA-TL ISSUED: June 11, 2009
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The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING CHANGE OF DEMARCATION POINT

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.

**I. Case Background**

On April 21, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its petition requesting permission to change the point of demarcation specified in Rule 25-4.0345(1)(b), Florida Administrative Code (F.A.C.), for basic local service provided to non-residential customers at Panama City Naval Station, Panama City Beach, Florida (Naval Station). The Department of the Navy (Navy) owns and operates the Naval Station. The Navy asked to purchase certain of AT&T Florida's existing cable and outside plant facilities. Coincident with the sale, the Navy advised AT&T Florida that it desired to establish a single point of demarcation at Building #110 for AT&T Florida services to non-residential subscribers at the Naval Station. The Navy's preferred location of the demarcation point is not specified in Rule 25-4.0345(1)(b), F.A.C., causing AT&T Florida to seek approval to establish the demarcation point at a location other than that specified in the rule.

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On April 24, 2009, AT&T Florida filed an Amended Petition to Change the Demarcation Point. The amended petition clarified a scrivener's error in the original petition submitted on April 21, 2009.

We are vested with jurisdiction over this matter pursuant to Sections 364.01(4) and 350.127(2), Florida Statutes (F.S.)

## II. Analysis

Rule 25-4.0345, F.A.C., Customer Premises Equipment and Inside Wire, requires a local exchange company to provide and maintain the network facilities up to and including the demarcation point at each individual customer's premises. Specifically, Rule 25-4.0345(1)(b), F.A.C., states:

(b) "Demarcation Point." The point of physical interconnection (connecting block, terminal strip, jack, protector, optical network interface, or remote isolation device) between the telephone network and the customer's premises wiring. ***Unless otherwise ordered by us for good cause shown***, the location of this point is:

1. Single Line/Single Customer Building -- Either at the point of physical entry to the building or a junction point as close as practicable to the point of entry.
2. Single Line/Multi Customer Building -- Within the customer's premises at a point easily accessed by the customer.
3. Multi Line Systems/Single or Multi Customer Building -- At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.
4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some mobile homes, trailers, houseboats, construction modules) -- On a permanent stake, pole, or structure with a suitable safety ground.  
***(Emphasis added)***

As emphasized above, Rule 25-4.0345(1)(b), F.A.C., allows an exception to the required demarcation point as ordered by us for good cause shown. AT&T Florida cites in paragraph 11 on page 3 of its petition that good cause is, "*in order to provide service given the changes that the property owner, the Navy, has requested.*"

Before the Navy's plan to purchase existing cable and outside plant located on the Naval Station property from AT&T Florida, demarcation points were established for non-residential subscribers in accordance with our rules, e.g., within each customer's space at a point easily accessed by the customer. Because the demarcation points specified in our rule do not meet the needs of the tenants, the existing cable and outside plant facilities purchase agreement between AT&T Florida and the Navy, signed on April 16, 2009, stipulated that AT&T Florida would petition us to establish a single point of demarcation for all non-residential customers' services at the Naval Station. To provide telecommunications services in accordance with the Navy's

request and to remain compliant with our rules, AT&T Florida requested to change the location of the demarcation point.

AT&T Florida will not be responsible for maintaining the facilities between the single point of demarcation and the affected subscribers' premises. The Navy will notify the affected customers of the change and its ramifications by letter at least 30 days in advance of the change. The letter states that AT&T Florida services will terminate at the new single demarcation point, and instructs customers to contact the Panama City Base Communications Office (BCO) to extend or repair service or to install special circuits between the new demarcation point and their premises. Customers should also contact the BCO prior to contacting AT&T Florida for connecting/disconnecting service or for repair service.

The precedent to permit a local exchange company to provide service to a customer at a point of demarcation other than that specified in Rule 25-4.0345, F.A.C., has been previously established. In Docket No. 031114-TL, through Order No. PSC-04-0181-PAA-TL, issued February 23, 2004, we found that AT&T Florida (f/k/a BellSouth) and the Department of the Navy met the burden "for good cause shown" as established by the rule and approved the request of AT&T Florida and the Navy to change the demarcation point established by Rule 25-4.0345(1)(b), F.A.C. In that docket, the property owner (the Navy) requested that a single demarcation point be established to service non-residential customers on the Mayport Naval Station in Jacksonville, Florida. Thereafter, the Navy solicited bids from competing service providers to install and maintain the outside plant facilities to non-residential areas and customers located within the Mayport Naval Station.

### **III. Decision**

Accordingly, we find it appropriate to approve the petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida to change the location of the demarcation point specified in Rule 25-4.0345(1)(b), F.A.C., for the provision of non-residential basic local service to subscribers at the Panama City Naval Station, Panama City Beach, Florida.

This Order will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by our decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, F.A.C., within 21 days of the issuance of the Proposed Agency Action Order. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket shall be closed upon the issuance of a consummating order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida to change the location of the demarcation point specified in Rule 25-4.0345(1)(b), F.A.C., for the provision of non-residential basic local service to subscribers at the Panama City Naval Station, Panama City Beach, Florida, be approved. 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 Office of Commission Clerk, 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 11th day of June, 2009.

ANN COLE  
Commission Clerk

By: *Dorothy E. Menasco*  
Dorothy E. Menasco  
Chief Deputy Commission Clerk

(SEAL)

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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 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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 2, 2009.

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.