

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition and Application )	DOCKET NO. 880714-TL
of SOUTHERN BELL TELEPHONE AND TELE- )	
GRAPH COMPANY and UNITED TELEPHONE )	ORDER NO. 21210
OF FLORIDA for transfer of certain )	
territories in Citrus and Orange )	ISSUED: 5-9-89
Counties. )	
_____ )	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN  
 THOMAS M. BEARD  
 BETTY EASLEY  
 JOHN T. HERNDON  
 GERALD L. (JERRY) GUNTER

ORDER APPROVING WITHDRAWAL AND  
CLOSING DOCKET

BY THE COMMISSION:

On May 19, 1988, United Telephone Company of Florida (United) and Southern Bell Telephone & Telegraph Company (Southern Bell) filed a Joint Petition for Transfer of Certain Territories in Citrus and Orange Counties. The Petition followed a request to United from the developers of the Beverly Hills subdivision in Citrus County, for the transfer of certain territories earmarked for development. Previously developed areas of Beverly Hills are in United's territory and the developers desired that the entire subdivision be served by one local exchange company.

Commission Staff identified several inconsistencies in the Petition and requested that they be corrected. After an extended delay in addressing these concerns, Staff requested, and on March 2, 1989, United and Southern Bell filed, a First Amended Joint Petition and Application. Further ambiguities in the Amended Petition necessitated the filing of an Amendment to First Amended Joint Petition and Application on March 7, 1989.

This extended delay caused yet additional concerns in that customers had moved into the initially vacant lands that were to be transferred. United accepted customers in areas to be transferred in anticipation of its approval. As a result, the companies filed a Notice of Voluntary Withdrawal of Joint Petition and Application on March 17, 1989, in order to resurvey the lands to determine exactly where, if any, customers had moved in and who was serving them. The companies intend to reapply for approval of the transfer after a determination is made of the exact location of customers, company and customer impact, and appropriate lands to be exchanged between companies.

Considering that nearly two years have elapsed since receipt of the original request from the Beverly Hills Development Corporation, and that customers have indeed moved into one of the areas to be transferred, we find that the withdrawal is appropriate and that the companies should resurvey all of the affected areas to determine exactly who resides there and which company is delivering telephone service to individual customers in this area. We find also that the companies should renote this proposal to the subscribers and the general public in the Orlando area newspapers.

DOCUMENT NUMBER-DATE

04641 MAY-9 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21210  
DOCKET NO. 880714-TL  
PAGE 2

In order to expedite a final review of the transfer, we hereby require the companies to refile a Petition for transfer no later than ninety (90) days from the date of this Order, to contain all relevant customer data and correct supporting documentation, as well as documentation of the notice to all potentially affected customers.

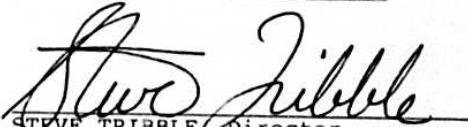
Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the Notice of Voluntary Withdrawal of Joint Petition and Application filed by United Telephone Company of Florida and Southern Bell Telephone & Telegraph Company is hereby approved. It is further

ORDERED that the companies refile within ninety days a proper petition to transfer lands as indicated by records and data then before them. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission,  
this 9th day of May, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ELJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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.