

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition and application)	DOCKET NO. 891184-TL
of Southern Bell Telephone and)	ORDER NO. 22604
Telegraph Company and United Telephone)	ISSUED: 2-26-90
Company for transfer of certain certi-)	
ficated areas in Seminole and Orange)	
Counties.)	
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING TRANSFER OF CERTAIN
 CERTIFICATED AREAS IN SEMINOLE AND ORANGE COUNTIES

BY THE COMMISSION:

On October 9, 1989 Southern Bell Telephone and Telegraph Company (Southern Bell) and United Telephone Company of Florida (United) filed a Joint Petition and Application seeking Commission approval to transfer certain territories in Seminole and Orange counties. This transfer would consist of Phase III of the Big Tree Crossings Industrial Park, (Big Tree III), located in Seminole County, being transferred from Southern Bell's to United's territory and Phase III of Windermere Downs, (Windermere III), plus an adjacent nine acre parcel, located in Orange County, being transferred from United's to Southern Bell's territory.

In a letter to the Commission, dated May 31, 1989, the developer of Big Tree Crossings Industrial Park requested that the Phase III portion of the development, currently served by Southern Bell, be transferred to United so the entire development could be served by the same exchange. The developer of Windermere Downs also requested that Phase III of that development be transferred to Southern Bell from United in order to seek continuity of service.

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BIG TREE III

Big Tree III consists of 23 lots on approximately 50 acres. Only 25 acres are usable. The other 25 acres are a water retention area. The present Southern Bell/United boundary line in the development separates Phase III from the remainder of the development. Many of the tenants in Phase III were previously tenants in one of the other phases and had established telephone numbers in United's Winter Park exchange. The Phase III portion is entirely in Southern Bell's service territory. Access to this property is through Phases I and II which are located entirely in United's service territory.

The community of interest for customers in the Big Tree Crossing Industrial Park is Orlando. Southern Bell's Sanford exchange, which now encompasses Big Tree III, does not offer local calling to Orlando but has EAS to Debary, Geneva, Oviedo and Winter Park. The monthly rate for residential 1-party service, rate group 7, is \$9.50. The proposed exchange to serve Big Tree III is United's Winter Park exchange, which has EAS to Orlando, Apopka, East Orange, Geneva, Lake Buena Vista, Montverde, Oviedo, Reedy Creek, Sanford, Windermere and Winter Garden. The monthly rate for residential 1-party service in the Winter Park exchange is \$7.67.

If this petition is approved and Big Tree III is transferred to United's territory, United would incur a total cost of \$31,000 for 3,800 feet of 200 pair cable, 1,000 feet of 100 pair cable, 1,800 feet of 25 pair entrance cable and 18 building terminals. If denied, Southern Bell would incur a total cost of \$68,490. This consists of \$39,497 for material, \$13,767 for labor, \$14,634 for engineering, and \$592 for maintenance.

Currently, of the fourteen customers being served in Big Tree III, all but one are in favor of transferring from Southern Bell's Sanford exchange to United's Winter Park exchange. According to Southern Bell, the one dissenting customer does not feel that access to the Orlando exchange and its local calling scope will offset the inconveniences of changing his telephone number.

We are reluctant to force people to change their exchange or their local calling scope because of this boundary change. Leaving the person who desires to keep his current calling

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scope is an option. However, we do not normally "grandfather" customers without some end date to the grandfather period. Therefore, we recommend that the one customer who wishes to retain his service from Southern Bell's Sanford exchange be grandfathered for a period of five years or less. If they move or discontinue service, they will no longer be grandfathered. This is consistent with the decisions made in Dockets Nos. 891031-TL and 891032-TL, and Orders Nos. 22028 and 22026 respectively.

WINDERMERE III

The area to be transferred to Southern Bell consists of 14 lots on 15 acres in Windermere III and nine adjacent undeveloped acres. Windermere III, is split by the current Southern Bell/United boundary with the 14 lots lying on the boundary or in United's service territory. Southern Bell serves Phases I and II, and the developer has requested that Southern Bell serve Windermere III for the sake of continuity. The adjacent nine acre parcel is presently undeveloped and was added to the transfer to balance the acreage being transferred. No customers are currently being served in the area to be transferred.

If the customers were to be served by United, they would receive service from its Windermere exchange. The transfer proposes that Windermere III and the adjacent nine acres be served from Southern Bell's Orlando exchange. The calling scope of both exchanges includes EAS to Apopka, East Orange, Lake Buena Vista, Montverde, Reedy Creek, Winter Garden, Winter Park and to each other. In addition, the Orlando exchange has EAS to Oviedo. The residential 1-party service for the Windermere exchange, rate group 9, is \$9.97 with toll free calling to 439,985 access lines. The residential 1-party service for the Orlando exchange, rate group 9, is \$10.05 with toll free calling to 453,683 access lines.

If the petition is approved and Windermere III and the adjacent nine acre parcel are transferred to Southern Bell's territory, Southern Bell would incur a total cost of \$32,000. This consists of \$18,240 for material, \$6,400 for labor, and \$7,360 for engineering. If denied, United would incur a total cost of \$35,000.

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It appears that Orlando has already been established as a community of interest for Big Tree III and Windermere III since all the other phases of both are Orlando oriented. Approving the Joint Transfer, would prevent the subdivisions from being served by two different exchanges and keep calls between neighbors from being toll calls. In addition, it appears that the requested transfer of territory of both Southern Bell and United service areas is feasible from an economic standpoint and beneficial to the subscribers of both companies. Therefore, the Joint Petition of Southern Bell and United for transfer of certain certificated areas in Seminole and Orange Counties is approved.


However, the one customer who wishes to retain his current service shall be grandfathered for no longer than five years from the effective date of this Joint Petition and the company should notify the customer of the impending change within thirty (30) days after the issuance of the Order in this Docket. If he moves or discontinues service, he will no longer be grandfathered. After five years, the customer will be required to receive service from United in the Winter Park exchange.

Based on the foregoing, it is hereby

ORDERED that the Joint Petition of Southern Bell and United for transfer of certain certificated areas in Seminole and Orange Counties, as described herein and described more fully in the legal descriptions attached hereto, is approved. It is further

ORDERED that this Docket be and the same is hereby closed.

By ORDER of the Florida Public Service Commission,
this 26th day of FEBRUARY, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

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LEGAL DESCRIPTIONS OF AREAS TO BE TRANSFERRED

a. Big Tree Crossings Industrial Park, Phase III

Begin at the Southeast corner of Section 20, Township 20 East, Range 30 East, and proceed North 1320 feet along the East section line of said Section 20; then West 943 feet plus/minus to the intersection with the Seaboard Coastline Railroad right-of-way; thence Southwesterly along said right-of-way to its point of intersection with the South section line of Section 20; thence East to the point of beginning.

parcel b. Windermere Downs, Phase III, and the nine acre

Begin at the intersection of the one-half section line of Section 5, Township 23 South, Range 28 East and the center line of Park Ridge Gotha Road, proceed Northeasterly along the centerline of Park Ridge Gotha Road to its intersection with the North line of said Section 5; thence East along the North line to its intersection with the east one-third section of Section 5; thence South along the one-third section line to its intersection with the back lot line of Lot 28 of The Lakes as recorded in Plat Book 11, page 33 of the Public Records of Orange County, Florida, thence West along the back lot line of Lots 28, 29, 30, 31, 32, 33 and 34 to its intersection with the one-half section line of said Section 5; then North along the one-half section line to the point of beginning.

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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.