

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by COUNTRY CLUB OF )  
 MIAMI COMMUNITY IMPROVEMENT COUNCIL )  
 for a Miami/North Dade boundary change)

DOCKET NO. 910028-TL  
 ORDER NO. 24943  
 ISSUED: 8/20/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER REQUIRING BOUNDARY CHANGE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This Docket was initiated pursuant to a complaint referred to the Commission's Division of Communications our Division of Consumer Affairs. A Southern Bell Telephone and Telegraph Company (Southern Bell, the Company) subscriber contacted Consumer Affairs on September 14, 1990. The customer requested information about how her community might be transferred from the Miami exchange to the North Dade exchange. The primary reason the customer desired a boundary change was that the Miami exchange does not have local calling to the Hollywood exchange while the North Dade exchange does have local calling to the Hollywood exchange.

Our staff contacted Southern Bell and the Company agreed to conduct a survey of the customers. The survey of the customers living in the affected area was taken between May 17, 1991, and June 16, 1991. The survey letter advised customers of the effects of a boundary change, if such a change were approved by the Commission. Under the proposed boundary change:

- 1) There would be no change in basic local rates.
- 2) Telephone numbers would have to be changed.
- 3) Customers would lose EAS to and from the Homestead exchange but gain EAS to and from the Hollywood exchange.

DOCUMENT NUMBER-DATE

08332 AUG 20 1991

FPSC-RECORDS/REPORTING

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The results of the survey were as follows:

	<u>NUMBER</u>	<u>PERCENT</u>
Ballots Mailed	1527	100
For Transfer	479	31
Against Transfer	242	16
Invalid	4	0

Unlike a customer survey in an EAS docket, there is no particular rule which governs a customer survey for a boundary change. While a boundary change survey informs the Commission of the opinion of the respondents, other factors, such as whether the boundary change seems reasonable, are also considered by the Commission.

The Country Club of Miami area is the only area of Dade County which borders Broward County, that cannot call into Broward County. The North Dade exchange serves the land on three sides of this small section of Dade County. There is a rapidly expanding population of both residents and businesses in western Broward County. The community of interest for the residents of the Country Club of Miami is likely to be north to the Hollywood exchange and western Broward County, rather than south to the Homestead exchange. Country Club of Miami is less than 10 miles from the western portion of the Hollywood exchange and more than 50 miles from the Homestead exchange.

Granting EAS from the Miami exchange to the Hollywood exchange would involve conducting traffic studies, and possibly a customer survey of over 900,000 subscribers. Even if all 1537 subscribers in the Country Club of Miami area had signed a petition for EAS to Hollywood, it would not have been sufficient to open an EAS docket since the rule requires 5% of the subscribers in an exchange to sign the petition. In this case that would be 45,000 subscribers.

On July 3, 1991, a Commission staff member visited the proposed boundary change area to ensure that the area in question was clearly delineated. Staff observed that the area in question was clearly delineated, bounded by a canal to the north and west, by Bob-O-Link Dr. to the east, and by 186th St. to the south.

Inasmuch as the ballots in favor of the boundary change outnumbered the ballots against the boundary change by a margin of two to one, a site inspection showed that the new boundaries appear to make sense, and because of the community of interest

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considerations discussed above, we find that a boundary change is appropriate.

The affected customers are currently served by the Hialeah central office (CO). This CO serves customers in both the Miami and North Dade exchanges. Thus, with this approval, the affected customers will continue to be served from the Hialeah CO. Because the customers will not need to be switched from one CO to another we find that the expense, and the time required to implement the change, will be minimal. Additionally, the residents of this area first approached the Company with this request in December of 1989. Thus, we find that the Company shall proceed with all due haste and that this boundary change shall be accomplished within three months of the date that this Order becomes final.

Customers shall be notified immediately by mail of this proposed change. The Company shall submit the notice letter to the Commission staff for review prior to mailing. The protest period for this Proposed Agency Action shall be extended to 45 days to accommodate mailing time and to assure a meaningful entry point into the process for affected customers. Customers shall again be notified as soon as new telephone numbers are assigned; however, notification regarding the newly assigned numbers shall take place not less than one month before the boundary change is implemented. This will allow customers the maximum amount of time to notify others of the new number. Similarly, business customers will need time to make appropriate changes in advertising, stationery, business cards, and so forth. An intercept message advising callers of the new numbers shall be kept in place for six months, or until the new North Dade directory is issued, whichever is later.

As this resolves the matter, this Docket shall be closed following the expiration of the protest period if no protest is timely filed.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that each and every specific finding in the body of this Order is reaffirmed in every respect. It is further

ORDERED that the exchange boundary between the Miami and North Dade exchanges shall be moved as shown on Attachment A. The change should be implemented within three (3) months of the date this Order becomes final. It is further

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ORDERED that Customers shall be notified immediately by mail of the proposed boundary change, which will result in their telephone numbers and their calling scope changing. The Company shall submit the notice letter to the Commission staff for review prior to mailing. It is further

ORDERED that the protest period for this Proposed Agency Action shall be extended to 45 days from the issuance of this Proposed Agency Action Order. It is further

ORDERED that an intercept message advising callers of the new numbers should be kept in place for six months, or until the new North Dade directory is issued, whichever is later. It is further

ORDERED that this Docket shall be closed following the expiration of the protest period if no protest is timely filed.

By ORDER of the Florida Public Service Commission, this 20th  
day of AUGUST, 1991.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

CWM

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.

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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 10/4/91.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date 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.



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Scale	1" = 100'
North Arrow	
Legend	
Notes	

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ATTACHMENT A

Existing Boundary



