

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by Volusia) DOCKET NO. 930035-TL
County Council to move the Lake) ORDER NO. PSC-93-1701-FOF-TL
Ashby Community from the Sanford) ISSUED: November 24, 1993
exchange into the New Smyrna)
Beach exchange)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER REGARDING BOUNDARY CHANGE

BY THE COMMISSION:

On December 2, 1992, Volusia County filed a request to survey the Lake Ashby area to determine whether the community was in favor of being moved from the Sanford exchange (which is primarily located in Seminole County) to the New Smyrna Beach exchange (which is located in Volusia County). Lake Ashby (Sanford exchange) consists of 162 residences and 8 businesses (170 access lines).

In addition to Volusia County's request to move this community from the Sanford exchange to the New Smyrna Beach exchange, we have received correspondence and telephone requests from customers in the Lake Ashby area requesting local calling to New Smyrna Beach. We have also received a petition to change the area code from 407 to 904 and to allow local calling to schools and doctors in Volusia County.

This community has had an on going battle trying to get toll free calling to its schools, local government, and businesses. In Docket No. 820429-TL (EAS - Volusia County), Lake Ashby was identified as an area of concern for Volusia County. The traffic study indicated a high calling and distribution factor but the community at that time only had nine residents. Since that time Lake Ashby has grown to 170 access lines. The area was reviewed again in Docket No. 911185-TL (Volusia Countywide Calling) and we recognized the need of the Volusia County residents located in the Sanford exchange to call their county seat and schools. The \$.25 plan was ordered between Sanford and all other Volusia County exchanges. However, because the Sanford/New Smyrna Beach route is

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an interLATA route involving Southern Bell, it cannot be implemented without a waiver from Judge Greene. The granting of such a waiver is doubtful since all of the dockets which the Judge has addressed have been denied. Given the extraordinary circumstances involved in this case (different LATAS, different area codes, and different exchanges within the same local exchange company service area), we find that the Lake Ashby customers shall be balloted to determine whether they want a boundary change.

Southern Bell has provided the following cost scenarios for provisioning the change:

Copper physical	\$643,109
Copper T-1	184,521
Fiber Optics	276,817

The Company contends that fiber optics is the preferred facility and is opposed to using outdated copper equipment.

While we find that it is appropriate for the Lake Ashby customers to pay an additive to help with costs because they are the ones who will benefit from the change, we do not believe these customers should bear the burden of paying for a more expensive technology simply because it is preferred by the LEC. Thus, we find that the additive for the Lake Ashby customers shall be based on the lowest cost proposal (\$184,521), regardless of the facilities the Company chooses to install.

Therefore, the Company shall ballot the 170 Lake Ashby customers to determine if they are in favor of moving from the Sanford exchange into the New Smyrna Beach exchange with an additive of \$3.38 per month for a period of ten years. This is based on customers recovering 50% of the expense and includes the change from rate group 7 to 3. The amount of the additive is similar to additives in EAS dockets except that EAS additives are generally removed within four years. Any new customers in the Lake Ashby area shall be subject to the additive. The additive can be examined in Southern Bell's next earnings review to determine if it is still required for cost recovery.

The balloting will follow the same guidelines as EAS. The ballot shall be reviewed by our staff prior to distribution.

Therefore, it is

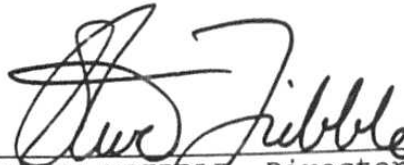
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ORDERED by the Florida Public Service Commission that the Lake Ashby subscribers shall be surveyed to determine if they are in favor of moving from the Sanford exchange into the New Smyrna Beach exchange at a monthly additive of \$3.38 which includes rate reductions as the result of changing from rate group 7 to 4. The additive shall be imposed for a period of ten years. It is further

ORDERED that the survey shall be conducted within 30 days of the date of this Order becoming final. The Company shall submit the ballots for approval prior to distribution to its customers. It is further

ORDERED that this docket shall remain open pending the outcome of the ballot of the Lake Ashby customers.

By ORDER of the Florida Public Service Commission this 24th day of November, 1993.



STEVE TRIBBLE, 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 120.59(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.

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 December 15, 1993.

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 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 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.