

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request by subscriber ) DOCKET NO. 941047-TL  
J.E. McKibben, located in the ) ORDER NO. PSC-94-1612-FOF-TL  
Haines City Exchange, to change ) ISSUED: December 27, 1994  
service area boundary in order )  
to receive service from Winter )  
Haven Exchange of GTE Florida )  
Incorporated. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING 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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 19, 1994, Mr. J.E. McKibben filed a petition to change the Winter Haven and Haines City exchange service area boundaries in order to receive service from the Winter Haven exchange. Mr. McKibben is currently located in the Haines City exchange on a 50 acre property that also contains his daughter's, Ms. D. McKibben, home. He has lived there for 27 years and there has been confusion over misdirected mail and problems with directory assistance. It took three years before he was able to get a listing in both the Haines City and Winter Haven directories. Both the Winter Haven and Haines City exchanges are in GTE Florida Incorporated's (GTEFL's) service area.

Mr. McKibben's property lies directly across Route 542 from the Cypresswood Planned Unit Development (PUD). By Order No. PSC-94-0517-FOF-TL, in Docket No. 931005-TL, we changed the boundary to include the entire Cypresswood PUD in the Winter Haven exchange. The new eastern boundary for the Cypresswood PUD is the Peace Creek Drainage Canal, but it stops at Route 542. Mr. McKibben requests

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us to extend the eastern boundary established for Cypresswood (Peace Creek Drainage Canal) northward to include his property.

In the Cypresswood docket, the request only included the residents of the Cypresswood PUD. Mr. McKibben and his daughter's homes are the only ones near the exchange boundary that are in question. GTEFL provided cost and facilities information to determine the feasibility of the change. GTEFL estimates that the cost to move the facilities for customers would be approximately \$300. GTEFL stated that the procedure would be rather simple and should only take about 2 weeks.

A data request was sent to Mr. McKibben on October 18, 1994, asking if he was aware that his telephone number would change, his local calling scope would change, and his local rates would increase from \$10.68 to \$11.18 if his service was provisioned from the Winter Haven exchange. Mr. McKibben stated in his response that he was aware of the changes that would occur if we granted his request to be served from the Winter Haven exchange instead of the Haines City exchange.

We find that it is appropriate for GTEFL to change the boundary so that Mr. McKibben and his daughter, Ms. D. McKibben, can be served from the Winter Haven exchange. His property is located directly across from the entrance to the Cypresswood PUD, of which a portion was recently moved into the Winter Haven exchange (Docket No. 931005-TL). The Peace Creek Drainage Canal, extended northward to include his property, is a natural extension of the boundary. There are no more residences near this boundary which would need to be moved. The cost of moving the facilities is \$300, which is \$150 per subscriber. The cost per subscriber when the Cypresswood customers were transferred was about \$600 per subscriber. Therefore, GTEFL shall change the exchange service area boundary to include Mr. J.E. McKibben and his daughter, Ms. D. McKibben, in the Winter Haven exchange. GTEFL shall implement the boundary change as soon as possible but not to exceed 30 days after the order issued in this docket becomes final. In addition, GTEFL shall file revisions to its General Service Tariff to be consistent with this decision.

It is therefore

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated shall change the exchange service area boundary to move Mr. J.E. McKibben and Ms. D. McKibben from the Haines City exchange to the Winter Haven exchange. It is further

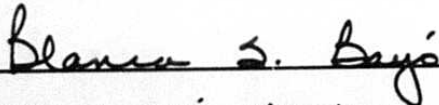
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ORDERED that GTEFL shall implement the boundary change as soon as possible but not to exceed 30 days after this Order becomes final. It is further

ORDERED that GTEFL shall file revisions to its General Service Tariff to be consistent with this decision. It is further

ORDERED that this Order shall become final and effective and this docket shall be closed on the date set forth below if no timely protest is filed pursuant to the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 27th day of December, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 17, 1995.

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 substantially 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.