

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint petition and )  
application for transfer of )  
certain certificated areas in )  
Orange County from BELLSOUTH )  
TELECOMMUNICATIONS, INC. d/b/a )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY OF FLORIDA to )  
UNITED TELEPHONE COMPANY OF )  
FLORIDA and from UNITED )  
TELEPHONE COMPANY OF FLORIDA to )  
BELLSOUTH TELECOMMUNICATIONS, )  
INC. d/b/a SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH COMPANY. )  
\_\_\_\_\_ )

DOCKET NO. 941030-TL  
ORDER NO. PSC-95-0249-FOF-TL  
ISSUED: February 22, 1995

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING TRANSFER OF TERRITORY

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 29, 1994, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) and United Telephone Company of Florida (United) filed a Joint Petition and Application for the transfer of certain certificated areas in Orange County. The areas to be transferred are located in Southern Bell's Orlando exchange and United's Winter Garden exchange. A new boundary will make network planning for Ocoee, a suburb of Orlando, less cumbersome and prevent proposed developments from being bisected by the existing boundary between Southern Bell and United. It will also move the existing boundary

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minimize the possibility that boundaries in these areas could bisect subdivisions, individual lots or shopping centers, and will thus render the boundaries more useable in the provision and administration of service. The transfers will result in 81.3 acres being transferred from Southern Bell to United, and 66.8 acres being transferred from United to Southern Bell. Legal descriptions are listed in the paragraphs numbered 5 and 6 in Appendix A attached to this Order.

The transfer will have no effect on current customers. There are presently 121 subscribers located in the areas to be transferred from Southern Bell to United and 66 subscribers in the areas to be transferred from United to Southern Bell. Each customer's local exchange company and calling scope will remain the same. This transfer will simply align the territories to coincide with the manner in which the service is presently being provided.

As required by Rule 25-4.005, Florida Administrative Code, the companies notified this Commission of the proposed transfer by joint petition. The companies notified affected customers of the proposed change, both by sending a letter to each affected customer and advertising the change in area newspapers. The companies also notified the governing bodies of each affected county and municipality, and the Office of Public Counsel of the proposed transfer.

We approve the transfer of territory as outlined above. The companies' certificates shall be modified to reflect this change in service territory. In addition, each company shall file tariffs, within sixty days, reflecting the exchange boundary changes.

It is, therefore,

ORDERED by the Florida Public Service Commission that the Joint Petition and Application filed by United Telephone Company of Florida and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is approved as outlined in the body of this Order. It is further

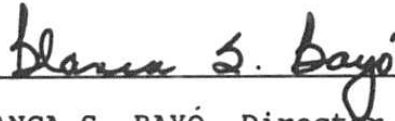
ORDERED that the companies' certificates shall be amended to reflect this transfer of territory. It is further

ORDERED that each company shall file tariffs, within 60 days, to reflect changes in exchange boundaries. It is further

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ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of February, 1995.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

LMB

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 15, 1995.

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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.

b. Ocoee is a suburb of Orlando, and development is moving towards Ocoee from Orlando. Damaged citrus acreage is now starting to be developed into shopping centers and subdivisions. Several new developments have been proposed in the area and some of them are bisected by the existing boundary between Southern Bell and United. A definitive boundary will make planning less cumbersome in the area for United, Southern Bell, the City of Ocoee and developers.

c. There are presently one hundred and twenty-one subscribers located in the areas to be transferred to United and 66 subscribers in the areas to be transferred to Bell. Customers in the areas to be transferred are currently being served by the Company to whom they are being transferred; therefore, this change will have no effect on their telephone service. The areas to be transferred are located in Southern Bell's Orlando Exchange and United's Winter Garden Exchange. The two exchanges share EAS and similar calling areas. Present rates for one-party flat rate service are: Orlando Exchange--\$10.45, Winter Garden Exchange--\$10.23.

5. The legal descriptions of the areas to be transferred to Southern Bell from United to effect the exchange described in paragraph 4 above, are as follows:

a. From a point on the right of way of Seaboard Coast Line Railroad 560 feet north of Seminole Street, proceed due west to the north-south 1/2 section line of Section 29, T22S, R28E; thence north along the 1/2 section line to the intersection with the right of way of Seaboard Coast Line Railroad; thence southeasterly along said right of way to the Point of Beginning. (Approximately 6.1 acres)

b. From the intersection of the current boundary between the service territories of Southern Bell and United and State Road 50 West, proceed west along State Road 50 to Chicago Avenue extended; thence north 1067 feet plus or minus along Chicago Avenue to a

point approximately 192 feet south of Maine Street; thence southeasterly 48 feet plus or minus; thence northeasterly 96 feet plus or minus; thence northerly to a point of intersection with Maine Street extended; thence east along Maine Street extended to its intersection with the existing boundary; thence south along the existing boundary to the Point of Beginning.

(Approximately 30.7 acres)

c. From the southeast corner of Brentwood Heights, Unit 4 as recorded in Plat Book 3, page 94, of the public records of Orange County, Florida, proceed north along the eastern boundary of said Unit 4 to its intersection with Flewelling Drive extended; thence east along Flewelling Drive extended to the existing boundary between the service territories of Southern Bell and United; then south along the existing boundary to the northeast corner of Brentwood Heights, Unit 2, as recorded in Plat Book Z, page 131 of the public records of Orange County, Florida; thence west along the north boundary of said Unit 2 to the Point of Beginning. (Approximately 12 acres)

d. From the Northeast corner of Section 9, T22S, R28E, proceed west along said section's north boundary to the intersection of the proposed Clark Road extension, thence south along said road to the existing service boundary between Southern Bell and United, thence northeasterly along said boundary to the Point of Beginning. (Approximately 18 acres)

6. The legal descriptions of the areas to be transferred to United from Southern Bell to effect the exchange described in paragraph 4 above, are as follows:

a. From the intersection of the right of way line of Seaboard Coast Line Railroad and Seminole Street, proceed east along Seminole Street to Blackwood Avenue; thence north 560 feet along the centerline of Blackwood Avenue; then due west to the intersection with right of

way of Seaboard Coast Line Railroad, then southeasterly along said right of way to the Point of Beginning. (Approximately 11.2 acres)

b. From the intersection of Old Winter Garden Road and Blackwood Avenue extended, proceed north to State Road 50, thence west to current boundary of the United/Southern Bell service territory; thence south along the current boundary to Old Winter Garden Road; then east to the Point of Beginning. (approximately 10 acres)

c. From a point 220 feet north of the southwest corner of Section 16, T22S, R28E along the west section line of said section, proceed due east to the shoreline of Lake Olympia. Follow the shoreline in a northerly direction to its point of intersection with the west section line of said Section 16; thence south along said section line to the Point of Beginning. (Approximately 6.1 acres)

d. From the intersection of Silver Star Road and the western section line of Section 16, T22S, R28E, proceed east along the center line of Silver Star Road to the intersection with the center line of Olympus Drive, thence south approximately 830 feet to the southeastern point of the Lake Olympia-Lake Village Subdivision as recorded in Plat Book 29, page 36 of the City of Ocoee, Orange County, thence following said plat proceed west 90 feet, thence northwesterly 224 and 175 feet, thence southwesterly 849 feet, thence west 351 feet, thence northeasterly 1011 feet, thence northwesterly 57 feet, thence southwesterly 1034 feet to the intersection with the west section line of Section 16, T22S, R28E, thence north along said section line to the Point of Beginning. (Approximately 33 acres)

e. From a point approximately 220 feet north of the NE corner of the Lakeview Village Subdivision recorded in Plat Book 11, Page 76, Orange County, proceed east 660 feet, thence north approximately 580 feet to the intersection of existing service boundary between United

and Southern Bell, thence southwesterly along said boundary to Point of Beginning.

(Approximately 3 acres)

f. From the intersection of A. D. Mims Road and the proposed Clark Road extension, proceed north approximately 1350 feet along the proposed center line of Clark Road to the intersection with the existing service boundary between United and Southern Bell, thence southwesterly along said boundary to its intersection with A. D. Mims Road, thence easterly along the center line of said road to the Point of Beginning. (approximately 18 acres)

7. Maps depicting the areas to be transferred are attached to this Petition and Application as Exhibit "A".

8. No financial exchange or consideration was, or shall be, given for this proposed transfer of Certificated Areas. This Joint Application is the only written agreement between the applicants.

9. The present boundary lines are generally along section lines, and roads and streets. In some cases, the existing boundary bisects planned subdivisions and shopping centers located in both companies' territories. In addition, the present boundaries may bisect individual lots in planned subdivisions, rendering provision of service difficult. This application is sought to permit revision in company boundaries which will not divide planned subdivisions and shopping centers, and to move the existing boundary to more readily discernible terrain features. It is intended that the boundary line redefinitions will minimize, if not negate, the future possibility that boundaries in these areas could bisect subdivisions, individual lots or shopping centers, thereby rendering the boundaries more usable in the provision and administration of service.