

Before The Florida Public Service Commission

In re: Petition by the residents of  
North Golden Gate and Corkscrew  
to move from the Immokalee exchange  
into the Naples exchange.

Docket No. 951099-TL

Filed July 20, 1996

ORIGINAL  
FILE COPY

Sandra Glidden's Motion to Dismiss  
Roberta L. Wooster's Petition for Section 120.57(1)  
Hearing and Protest of Proposed Agency Action

Pursuant to Commission Rule 25-22-37, Sandra Glidden submits this Motion to Dismiss in response to the Petition for 120.57(1) Hearing and Protest of Proposed Agency Action filed by Roberta L. Wooster on July 10, 1996.

Sandra Glidden asks the Commission to deny Roberta L. Wooster's request for a hearing and to dismiss Roberta L. Wooster's protest. Roberta L. Wooster's Petition does not state a cause for which relief could be obtained through the requested hearing. The requested 120.57(1) hearing would serve no purpose other than to delay the balloting of the other 258 customers awaiting their right to vote that would be provided by order No. PSC-96-0794-FOF-TL, issued June 19, 1996.

**I. Roberta L. Wooster's Petition Has Raised No Disputed Issues of Material Fact.**

Roberta L. Wooster's Petition has shown no disputed factual issues, but merely presented her own personal desires. Assuming all of the allegations in her Petition are true, the Petition fails to establish a cause for which a hearing would grant relief. Roberta L. Wooster is, in fact, the one and only person who filed a Petition for a Hearing and Protest of Proposed Agency Action in Order No. PSC-96-0794-FOF-TL. A personal desire expressed by one person should not stop the process set forth in the above mentioned order, nor is one customer's personal desire a disputed factual issue that could possibly be resolved through the requested hearing.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

## II. A Hearing Would Only Slow Down The Inevitable Need For Balloting.

Roberta L. Wooster contends she does not wish to change her telephone service at this time. However, Sandra Glidden, in and through her Petition for a boundary change containing the signatures of a large number of the residents of North Golden Gate and Corkscrew area, contends that the vast majority is indeed in favor of changing their telephone service by moving into the Naples exchange. Furthermore, the PSC Staff's recommendation plainly stated, "After careful review of the existing boundaries, . . . staff believes the current exchange boundary is inappropriate." and "At one time, it may have been feasible to serve this area from the Immokalee exchange, but not now." It was also staff's opinion that "the Petitioner has presented evidence to support that the North Golden Gate and Corkscrew areas should be balloted to determine if subscribers are in favor of being served from the Naples exchange." The above mentioned facts would clearly show that granting Roberta L. Wooster's Petition for a Hearing and Protest is not a feasible resolution, simply because she would not get her heart's desire.

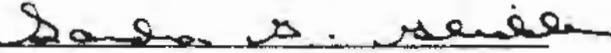
Sandra Glidden requests the commission to dismiss Roberta L. Wooster's Petition for a Hearing and Protest of Proposed Agency Action considering the following facts:

- a) Roberta L. Wooster is in fact the one and only person who has filed a Petition for a hearing and Protest of Proposed Agency Action. Her Petition states no cause for which relief could be granted through the requested hearing.
- b) The Petition filed by Sandra Glidden for the residents of North Golden Gate and Corkscrew, Docket No. 951099-TL plainly shows the overwhelming support of changing the boundary by a vast majority of the community. Entire families and their school-age children are adversely affected by the boundary as it now stands.
- c) Clearly the community of interest for the majority of the North Golden Gate and Corkscrew residents is Naples. Their jobs, churches, doctors and most importantly their schools, are all in Naples. It is important to note that two of the neighborhood schools that the children in the area attend are long distance, with per minute toll charges.

d) The interest of all concerned parties would best be served by the dismissal of Roberta L. Wooster's Petition for a hearing and protest, thereby causing order No. PSC-96-0794-FOF-TL to become final, thus allowing the entire community to be balloted.

**III. Conclusion and Request For Relief**

The commission is not required to grant all requests for a hearing and should not be compelled to conduct futile proceedings to try to accommodate each customer's specific desires. In the spirit of democracy, the only feasible solution would be to grant this Motion to Dismiss Roberta L. Wooster's Petition for 120 57(1) Hearing and Protest of Proposed Agency Action allowing the order No. PSC-96-0794-FOF-TL to become final, where by allowing ALL residents of North Golden Gate and Corkscrew to be heard through the balloting process.

Respectfully Submitted by 

By: Sandra G. Glidden  
845 Limpkin Rd.  
Naples FL. 33964  
Telephone (941) 657-6275

Certificate of Service

Docket No. 951099-TL

I Hereby Certify that a true copy of Sandra Glidden's Motion to Dismiss Roberta L. Wooster's Petition for Section 120.57(1) Hearing and Protest of Proposed Agency Action in Docket No. 951099-TL has been furnished by hand delivery or U.S. mail to the following parties on this 20<sup>th</sup> day of July 1996.

Ms. Blanca S. Buyo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0867

Ann Shaffer  
Division of Communications  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0867

United Telephone Company of Florida  
P O Box 5000  
Altamonte Springs, FL 32716

Robert Pierson  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0867

Roberta L. Wooster  
880 Sanctuary Rd  
Naples FL 33964



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

RECEIVED  
JUL 17 1996

Completed 7/29/96  
FPSC-RECORDS/REPORTING

July 19, 1996

Ms. Blanca Bayo  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Re: Public Records Request

Dear Ms. Bayo:

Pursuant to the provisions of Chapter 119, Florida Statutes (1995), would you please make the following public records available for inspection:

Docket 951099-TL

All documents, E-mail, and other public records related to this docket reflecting communications between members of the staff of the Florida Public Service Commission and representatives of United Telephone Company of Florida. All documents received by the staff from United Telephone Company of Florida should be provided. In addition, please provide all such documents, E-mail, and other public records reflecting communications sent by members of the staff of the Florida Public Service Commission to any other persons or entities, including other members of the staff. Documents served on parties to this docket need not be provided.

Docket 920188-TL

All documents, E-mail, and other public records related to this docket reflecting communications between members of the staff of the Florida Public Service Commission and representatives of GTE Florida, Incorporated. All documents received by the staff from GTE Florida, Incorporated, should be provided. In addition, please provide all such documents, E-mail, and other public records reflecting communications sent by members of the staff of the Florida Public Service Commission to any other persons or entities, including other members of the staff. Documents served on parties to this docket need not be provided.

Ms. Blanca Bayo  
July 19, 1996  
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Thank you for your assistance. Please let me know if you have any questions.

Sincerely,

*Charles J. Beck*  
Charles J. Beck  
Deputy Public Counsel

cc: Rob Vandiver, Esq., General Counsel  
Florida Public Service Commission