

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to modify Port) DOCKET NO. 961048-TL
St. Lucie exchange boundary to) ORDER NO. PSC-97-0445-FOF-TL
Include Wide Waters subdivision) ISSUED: April 21, 1997
in St. Lucie County by BellSouth)
Telecommunications, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

PROPOSED AGENCY ACTION ON
PETITION TO MODIFY EXCHANGE BOUNDARY

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 6, 1996, BellSouth Telecommunications, Inc. (BellSouth) petitioned us to modify the Port St. Lucie exchange boundary to include the Wide Waters subdivision, which is currently in the Stuart exchange. BellSouth serves both exchanges. Wide Waters is served by public safety agencies in St. Lucie County. As part of the Stuart exchange, however, Wide Waters' 911 identification and responses come from Martin County. At the request of public safety agencies in both counties, BellSouth proposed to divide the Stuart and Port St. Lucie exchanges wholly along the county line.

If the requested boundary modification were made, affected subscribers would face a calling scope change and a possible telephone number change. Local service rates would remain the same. The affected subscribers would gain extended area service (EAS) to Fort Pierce and lose EAS to Indiantown, resulting in a net increase of 46,553 access lines for local service.

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FPSC-RECORDS/REPORTING

Even though local rates would not increase, we found that the subscribers of the Wide Waters subdivision should be surveyed about the proposed boundary modification, since possible telephone number and calling scope changes would result. Thus, by Order No. PSC-96-1501-FOF-TL, issued December 11, 1996, we ordered a ballot of the customers of the Wide Waters subdivision to determine whether they were in favor of moving from the Stuart exchange to the Port St. Lucie exchange. We further required that for the survey to pass in favor of the boundary change, at least 50 percent of those balloted must respond and, of those responding, at least 60% must favor the boundary change. This Order addresses the outcome of that survey.

Findings

BellSouth mailed ballots to the 30 customers of record in the Wide Waters subdivision. The results of the survey are shown in Table A below:

TABLE A

SURVEY RESULTS			
	NUMBER	PERCENT OF TOTAL MAILED	PERCENT OF TOTAL RETURNED
Ballots Mailed	30	100.00%	
Ballots Returned	18	60.00%	100.00%
For boundary change	4	13.34%	22.22%
Against change	13	43.33%	72.22%
Invalid	1	3.33%	5.56%

Although 60 percent of the ballots mailed were returned, only 22 percent voted in favor of the boundary change. Since this vote falls far short of the requirements of our order, BellSouth's petition is denied.

Based on the foregoing, it is therefore

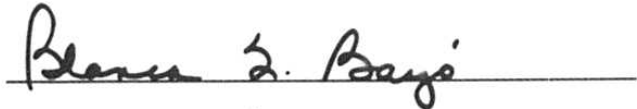
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ORDERED by the Florida Public Service Commission that BellSouth's petition to modify the Port St. Lucie exchange boundary to include the Wide Waters subdivision is denied.

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of April, 1997.



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 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 12, 1997.

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.