

SARASOTA COUNTY GOVERNMENT ORIGINAL

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April 23, 1999

BY HAND DELIVERY

Ms. Blanca Bayo, Director
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket Nos. 981941-TL, 990184-TL, and 99-0223-TL

Dear Ms. Bayo:

Enclosed is the original and fifteen(15) copies of the Posthearing Brief of Sarasota County, Florida, a party in the above-referenced proceedings.

Please indicate receipt of this filing on the enclosed copy of this letter and return to the undersigned in the enclosed stamped envelope. Thank you for your attention to this matter.

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Sincerely,

[Handwritten signature of Kathleen F. Schneider]

Kathleen F. Schneider
Assistant County Attorney

cc: Service List

Enclosures

RECEIVED & FILED

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EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

_____)	
Investigation into telephone)	
exchange boundary issues in)	DOCKET NO. 981941-TL
South Polk County (Ft. Meade)	
area).)	
_____)	
Investigation into boundary)	
issue in South Sarasota and)	DOCKET NO. 990184-TL
North Charlotte Counties)	
(Englewood area).)	
_____)	
Request for review of proposed)	DOCKET NO. 990223-TL
numbering plan relief for the)	
941 area code.)	
_____)	

POSTHEARING BRIEF OF SARASOTA COUNTY, FLORIDA

Sarasota County, Florida, a political subdivision of the State of Florida, through its undersigned counsel, hereby files its Posthearing Brief in this matter. This brief will address the issues as set out in the Prehearing Order, stating the issues and position, followed by argument.

I. **STATEMENT OF BASIC POSITION**

The Board of County Commissioners (the "Board"), and the residents and businesses of Sarasota County are very concerned about the geographic split of the 941 service area proposed by NANPA and endorsed by the industry (Alternative 1). Ex. 2, Alt. 1. Pursuant to Alternative 1, the current 941 service area would be split into two sections, with Polk, Manatee and Sarasota counties retaining the 941 area code and the remaining 10 counties being given a new area code.

This split divides the Englewood community which transverses the Sarasota-Charlotte county line. The proposed exhaust periods would be 5.2 years and 5.9 years, respectively.

It is Sarasota County's position that this alternative does not meet the needs of the residents and businesses of the County and, in fact, undermines the efforts of the Englewood community to function as one community and the efforts of Sarasota County as a whole to work together with its neighboring counties to the north and south to provide better services to its citizens and to equitably share natural resources. Moreover, based on past projections of exhaust periods which were greatly overestimated, it is very likely that the exhaust period would be closer to 3 years. That's how long Sarasota County has had its current area code. Thus, if Alternative 1 were selected, under its own guidelines, NANPA should start planning for the next split of the service area now.

The Board advocates an alternative that would accomplish two major objectives: (1) retain Sarasota, Manatee and Charlotte Counties in the same area code; and (2) provide longer exhaust periods with a three-way split. This can be accomplished within the NPA Code Relief Planning and Notification Guidelines (the "NPA Guidelines").

The demographics, geography and community needs demonstrate that Sarasota County, Manatee County and Charlotte County must retain the same area code, and that the expansive 13-county 941 service area should be split into three sections to allow for a longer exhaust period. The Guidelines contemplate the allocation of more than one new area code as long as the codes are added simultaneously. This is exactly what Sarasota County is advocating be done. It is the Board's position that a 3-way split of the current 941 service area is an effective utilization of area codes in a manner that will result in the least disruption to the local governments and its

citizens, as well as conserve on utilization of the resources of the PSC by eliminating the necessity to be back here again in 3 years.

II. ISSUES

Issue 1:

Should the Commission approve the proposed geographic split plan (Alternative 1 for the 941 area code relief, and, if not, what relief plan should the Commission approve?

Position:

No. Alternative 1 does not address the unique characteristics of the tri-county area comprised of Sarasota County, Manatee County and Charlotte County with regard to demographics and community of interests. In fact, it splits the Englewood community which has invested a significant amount of money and time to remain as a single community although divided by the Sarasota-Charlotte county line. The most appropriate relief plan is a 3-way split of the 941 service area with Sarasota, Manatee and Charlotte counties in one section, Polk, Hardee, DeSoto, Highlands and Okeechobee in another, and Glades, Hendry, Lee, Collier and Monroe in a third section (Alternative 11, Tr. 523). This 3-way split would recognize the community of interests between the various counties, avoid a confusing overlay for the predominantly senior population in the Sarasota/Manatee/Charlotte area, and provide longer exhaust periods which are nearly uniform in length.

Issue 2:

What implementation issues, if any, should be addressed by the Commission?

Position:

In implementing the 3-way split (Alternative 11), the Commission should avoid splitting exchanges so as not to cause existing customers to obtain an entirely new phone number. In

addition, pursuant to section 6.1 of the NPA Code Relief Planning and Notification Guidelines (the “Guidelines”), Ex. 3, the current 941 area code should remain with the Sarasota/Manatee/Charlotte split on the ground that it has the shortest exhaust period. Finally, the Commission should avoid assigning new area codes to the splits that are so similar to 941 as to cause additional confusion, i.e., 241.

III. ARGUMENT

As indicated in Sarasota County’s Basic Position, the County believes that a 3-way split of the 941 service area with Sarasota County, Manatee County and Charlotte County in one service area would best address the unique characteristics of that tri-county area while maintaining compliance with the NPA Guidelines. Specifically, the 3-way split discussed at the hearings as Alternative 11 (Tr. 523), addresses the community of interest needs expressed by the witnesses for Sarasota, Manatee and Charlotte, and also provides similar exhaust periods for the newly-split 941 service area. As explained by Chairman Garcia during the public hearing, the exhaust period for Manatee/Charlotte/Sarasota would be 7.9 years; the exhaust period for Polk/Hardee/DeSoto, Highlands and Okeechobee would be 8.3 years and the exhaust period for Glades/Hendry/Lee/ Collier and Monroe would be 9.7 years. (Tr. 533).

a. **The community of interests mandates that Sarasota, Manatee and Charlotte counties remain in the same area code.**

As provided in section 6.4 of the NPA Guidelines, “Each NPA requiring relief must be analyzed on the basis of its own unique characteristics with regard to demographics, geography, regulatory climate, technological considerations and community needs and requirements.” Sarasota/Manatee/Charlotte have a unique interrelationship which mandates a common area code for all three counties. With respect to Sarasota and Charlotte counties, not only does the

Englewood Community straddle the county line, there are numerous county services which transverse county boundaries. First, the Englewood Water District, a political subdivision of the State of Florida created in 1959, provides water and sewer service to residents and businesses in both Sarasota and Charlotte counties. In fact, the water plant is in one county and the sewer plant in another. (TR. 36-37).

In addition, pursuant to an interlocal agreement entered into in the 1960's, students residing in both Charlotte and Sarasota counties attend L.A. Ainger and Lemon Bay High Schools, located in Charlotte County and elementary schools located in Sarasota County. (Tr. 89). As testified to by Mr. William Strickland, principal of Lemon Bay High School, to divide Charlotte and Sarasota along the LATA line as indicated in Alternative 1, would be very confusing to students, parents and the school itself. (Tr. 90). For these reasons, Mr. Strickland strongly advocated keeping Charlotte and Sarasota in one area code. (Tr. 92).

The Englewood Fire District also provides services in both Sarasota and Charlotte counties. (Tr. 311). As stated by Shannon Staub, Chair of the Sarasota County Board of County Commissioners, "The citizens in [Englewood] don't know, when they turn on their tap, where the water comes from. They don't care. It happens to come from a special district. When they get emergency services, all they know is they want the emergency services. They don't care if it comes from Sarasota, Charlotte or a special district." (Tr. 311). Imagine the difficulty to the resident or business owner in a time of stress to remember not only that they have to call a different area code, but what that area code is.

In addition, one hospital serves residents in both Sarasota and Charlotte counties. (Tr. 311). Also, Charlotte County tax dollars are being used to help build a \$60 million hurricane evacuation route in Sarasota County. (Tr. 312). With respect to the Englewood business community, the Englewood Chamber of Commerce is made up of businesses in both counties. (Tr. 312). As stated by Chair Staub, "They don't know where they cross the line, when they spend their money on one side of the county line or the other." (Tr. 312).

There is also a strong community of interest between Sarasota County and Manatee County to the north. First, the Town of Longboat Key straddles the county line. The Sarasota-Bradenton International Airport services both Sarasota and Manatee counties and Manatee County provides water service to Sarasota County residents. Moreover, the Metropolitan Planning Organization is the only one in the state that is bi-county. It is, in fact, a Sarasota-Manatee metropolitan area. (Tr. 312). In addition, the Schroeder-Manatee Ranch, a large holding of 28,000 acres, with interests in farming, sod, cattle, citrus, mining and real estate development, crosses the county line. (Tr. 22-23). In addition, as explained by Chair Staub, "If you drive down University Parkway, which is the northernmost Sarasota County road, on the north side you live in Manatee County, but your address is Sarasota County. Your telephone exchange number is Sarasota County." (Tr. 313).

Not only does Sarasota County have individual community of interests with Charlotte County and Manatee County, all three counties have substantial interaction. The Peace River Authority, a major water source initiative, services all three counties. In addition, Sarasota, Manatee and Charlotte are part of the Charlotte Harbor Estuary Program and the Inland Navigational authority. (Tr. 313-14).

As indicated, Sarasota, Manatee and Charlotte counties have a unique symbiotic relationship which would be substantially undermined by an artificial division by area code. The confusion would impact communication with schools, hospitals, water and sewer utilities and emergency management services. Moreover, a division of the Englewood community along county lines would fragment a community that has been striving toward a unification of services and businesses for years and is just recently reaching its goal. Speaker after speaker requested that the three counties maintain the same area code. By contrast, no one spoke or advocated that a split of the three counties would create any beneficial result. Business owners, elected officials and retirees alike are united in their desire to keep Sarasota, Manatee and Charlotte counties in the same area code. Alternative 11 accomplishes this result and complies with the NPA guidelines regarding similarity of exhaust periods in the geographic split.

b. The size and growth patterns of the 941 service area mandate a 3-way geographic split.

The NPA Guidelines contemplate a 3-way geographic split in an NPA service area. Specifically, Section 5.0 of the NPA Guidelines provides that: “Normally, only one code will be assigned per request unless the codes are to be introduced simultaneously.” Thus, not only do the Guidelines not disallow a 3-way geographic split, they expressly contemplate a situation when it would be appropriate. The only concern expressed at the hearing as to a 3-way split was the fact that there are so few NXX codes available nationwide that the FCC would not look favorably on assigning two new NXX codes in one split. However, considering the predicted exhaust periods for a 2-way split (5.2 or less), there really is no difference between assigning two new area codes which will last 8 to 9 years and assigning one new code that will have to be split in 3 to 4 years. Utilization of a 3-way split will result in the least disruption to the local governments and its citizens, as well as conserve on the resources of the Public Service Commission by eliminating the necessity to consider new splits every three or four years.

As testified at the hearing by numerous individuals and representatives of businesses and civic organizations, the public wants longer exhaust periods. The 941 area code was put in place approximately three years ago, although predicted by the NANPA to last longer. (Tr. 537). The expense, confusion and frustration of the residents and businesses can be defused substantially with utilization of a 3-way split. It is clear from the testimony that the current 941 service area is growing at a steady pace. (Customer Service Exhibits of Tim Tilton and Frank Heaton). If the service area is divided into only two sections, it is likely that each resulting area code will split again in 3 to 5 years, requiring two additional area codes. This would be a total of three new area codes in approximately a five-year period: one now and two in 3 to 5 years. By dividing the service area into three sections now with 8 to 10-year exhaust periods, area codes are actually

conserved. Moreover, with new conservation measures in place, the exhaust period for the Alternative 11 three-way geographic split would likely be substantially longer.

In summary, the NPA Guidelines do not prohibit 3-way splits. In fact, they have been utilized throughout the country. (Ex. 4). The fact that the 941 service area is only 3 to 4 years old demonstrates special circumstances to warrant a 3-way split. It is obvious that a 13-county service area in the fastest growing area of the State was not the best solution for the residents, businesses or local governments. A three county/ten county split (Alt. 1) is equally inappropriate. Finally, neither NANPA nor any industry provider objected to a 3-way split. In fact, when asked, they said they would support it, provided exchanges were kept intact. (Tr. 132; Tr. 211-212; Tr. 265). For all these reasons, Sarasota County requests that the Commission adopt Alternative 11 as the appropriate geographic split for the 941 service area, and retain the 941 area code in the Sarasota/Manatee/Charlotte section, which would have the lowest exhaust period.

- c. **An overlay would cause unnecessary confusion to the predominantly senior population of Sarasota County and undermine the effectiveness of the emergency services system.**

Citizens, businesses, civic organizations and elected officials are unanimous in their position that a distributed overlay is an unacceptable relief plan for Sarasota County. (Tr. 27; Tr. 33; Tr. 45; Tr. 53; Tr. 59; Tr. 69; Tr. 77; Tr. 80; Tr. 322; Tr. 348). The opposition to the overlay is predicated primarily on the County's demographics. As testified by numerous individuals, Sarasota County has a substantial senior population which would find an overlay confusing and frustrating. It is not just the concept of 10-digit dialing which causes concern. It is the fragmentation of a community by multiple area codes. With a geographic split, there is a physical basis for an area code change, i.e., a different city, a different county, even a river or a

mountain range. For example, when a Sarasota County resident calls to Hillsborough County, the mere geographic distance suggests an area code change. That is not the case if he is calling his neighbor, his doctor who works in the next block or the community hospital. Thus, it's not just the concept of 10-digit dialing; it's remembering what those ten digits are. While it is true that telephones can be programmed, there is a limited space for programmed numbers. The new neighbor's number or the new pharmacy or the new medical center may not be one of those programmed numbers. The confusion wrought by an overlay is compounded when the caller is a senior citizen with a failing memory or even a young school child. Those Florida communities where an overlay has been implemented are distinguishable demographically and should not be considered as models for Sarasota County.

Moreover, the problems caused by an overlay for the emergency management services is multi-fold. For example, when computers fail in times of an emergency, reliance is placed on a manual system to get emergency response units out into the field to the right locations. The introduction of multiple area codes would not only necessitate an increase in contact time, but there is a risk that persons may be missed. (Tr. 334). Moreover, if a hurricane is threatening the barrier islands, approximately ten thousand residents are individually contacted by the emergency services staff. Use of an overlay would increase response time and impair the department's ability to reach these people (Tr. 326-27). Contrary to statements made by the industry, overlays are not gaining acceptance in Florida. They are simply being implemented by the Commission as a means of solving particular problems. Clearly, once they are implemented, there is no recourse to the resident or the business but to accept it. The only real beneficiary of an overlay is the wireless provider. It is the least expensive alternative for them. (Tr. 379). They


do not have to reprogram any phones. They simply continue with business as usual while citizens, businesses and local governments learn to live with the confusion. (Tr. 389-90).

IV. CONCLUSION

In conclusion, the extensive community of interest between Sarasota County, Manatee County and Charlotte County demonstrates that it is in the best interests of the citizens and businesses of these three counties to remain in the same area code, with minor adjustments to accommodate exchanges which overlap county boundaries. Further, the short exhaust periods which result from a 2-way split of the current 941 service area create needless financial hardship and general confusion. Whereas, implementation of a 3-way split as indicated in Alternative 11 provides longer exhaust periods which act to minimize financial hardship and confusion. Moreover, because of the population density as well as the fact Sarasota/Manatee/Charlotte would have the shortest exhaust period in the split, Sarasota/Manatee/Charlotte should retain the 941 area code. Special circumstances such as a recent area code change, the size of the current service area, and the projected growth warrant a deviation from the customary 2-way split. Universally, the residents, business owners, civic organizations and local governments requested that the Commission recognize the community of interest among the counties, recognize the need for longer exhaust periods, and avoid an overlay. Alternative 11 accomplishes all of that within the parameters of the NPA Guidelines.

Respectfully submitted this 23rd day of April, 1999.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Posthearing Brief of Sarasota County, Florida was served by U.S. Mail, this 23rd day of April, 1999 to the following:

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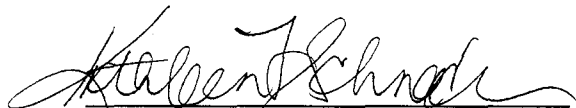
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