

State of Florida



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** SEPTEMBER 23, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF TELECOMMUNICATIONS (BARRETT, ILERI) <sup>MCB</sup> *xi*  
DIVISION OF LEGAL SERVICES (KEATING) *AK CB* *DD*

**RE:** DOCKET NO. 981345-TL - INVESTIGATION INTO TELEPHONE EXCHANGE BOUNDARY ISSUES IN SOUTH BREVARD COUNTY.

**AGENDA:** 10/05/1999 - REGULAR AGENDA - FINAL DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\981345.RCM

### CASE BACKGROUND

This docket was established on October 14, 1998, pursuant to discussions with elected officials from Brevard County and representatives of the Micco Homeowners Association that arose out of Docket No. 980671-TL, the Request for Review of Proposed Numbering Plan Relief for the 407 Area Code.

At present, certain Sebastian exchange telephone subscribers in the southernmost portions of Brevard County, the Barefoot Bay area, are in a different area code or Numbering Plan Area (NPA) than those in the remainder of their county. This area is also locally known as the Micco community, and the telephone subscribers there are served by BellSouth Telecommunications, Inc. (BellSouth). The Sebastian exchange spans the Brevard and neighboring Indian River counties. BellSouth records indicate 6,100 Sebastian

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exchange subscribers reside in Brevard County and are served from the 561 NPA, while the remainder of Brevard County is in the 407 NPA. The 407 NPA, however, is presently subject to the implementation of a new NPA (321) to provide relief, and this measure will impact all of Brevard County, including the Micco community.

Finding a resolution for the boundary exchange issues was important, in view of the Commission's decision on the 407 NPA relief plan. On February 3, 1999, staff conducted a Workshop and an Issue Identification meeting with parties to this docket to explore alternatives for the telephone subscribers in southern Brevard County. Subsequently, parties to this docket drafted a Memorandum of Understanding (Memorandum), which detailed specific proposals that all parties agreed upon. By and large, this document proposed balloting the affected Brevard County subscribers for the creation of a new exchange, which, if approved, would enable those subscribers to share in the new 321 NPA. The Memorandum was filed with the Division of Records and Reporting on April 6, 1999.

By Order No. PSC-99-1140-FOF-TL, issued June 7, 1999, the Commission approved this Memorandum, and ordered BellSouth to conduct a subscriber survey to determine whether the affected subscribers would favor being served from the newly created exchange and having their area code changed from 561 to 321. This recommendation presents the results of the survey.

**ISSUE 1:** Based on the results of the subscriber survey, should the Commission order the creation of the new exchange as described in the Memorandum of Understanding?

**RECOMMENDATION:** No. Based on the results of the subscriber survey, the Commission should not order the creation of the new exchange as described in the Memorandum of Understanding. The survey results, which are summarized in Table A, indicate that the majority of the respondents do not favor the creation of the new exchange. (BARRETT)

**STAFF ANALYSIS:** Pursuant to Order No. PSC-99-1140-FOF-TL, issued June 7, 1999, the survey was conducted in accordance with the survey provisions applicable to balloting in extended area service (EAS) cases, as set forth in Rule 25-4.063, Florida Administrative Code, with the exception of subsection (6) of the rule. Instead of the thresholds set forth in subsection (6), the Commission found it appropriate in this instance to require that at least 50 percent of the balloted customers respond to the survey, and at least 50 percent of those responding were to vote in favor of the exchange boundary modification for the survey to pass. The balloting results demonstrate that the response threshold (59.15%) was met; however, more than 50% of the respondents did not favor creating a new exchange, as shown in Table A.

TABLE A

<b>BALLOTING RESULTS</b>			
	<u>NUMBER</u>	<u>PERCENT OF TOTAL MAILED</u>	<u>PERCENT OF TOTAL RETURNED</u>
Ballots Mailed	6,100	100.00%	
Ballots Returned	3,608	59.15%*	
FOR Proposal	1,713	28.08%	47.48%**
AGAINST Proposal	1,833	30.05%	50.80%
Invalid	62	1.02%	1.72%

\* Order No. PSC-99-1140-FOF-TL requires 50% of the ballots mailed must be returned.

\*\* Order No. PSC-99-1140-FOF-TL requires 50% of the respondents must vote favorably in order for the proposal to pass.

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Staff, therefore, does not recommend the creation of the new exchange described in the Memorandum of Understanding. The affected subscribers have, in effect, voted for "no change" in voting against the proposed creation of the new exchange.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. **(KEATING)**

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed.