



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 7, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYLOR)

FROM: DIVISION OF TELECOMMUNICATIONS (BARRETT) *meB*
DIVISION OF LEGAL SERVICES (WATTS) *CBW BL*

RE: DOCKET NO. 991191-TL - JOINT NOTICE OF INTENT BY GTE FLORIDA INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 31) AND SPRINT-FLORIDA, INCORPORATED (HOLDER OF LEC CERTIFICATE NO. 22) TO PETITION COMMISSION FOR APPROVAL TO TRANSFER TERRITORIES IN PASCO COUNTY AND TO AMEND CERTIFICATES.

AGENDA: 10/19/1999 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991191.RCM

CASE BACKGROUND

On August 30, 1999, GTE Florida, Inc. (GTE) and Sprint-Florida, Incorporated (Sprint) filed a joint petition to transfer certain exchange territories in Pasco County and amend their respective local exchange Certificates of Public Convenience and Necessity (certificates). Sprint and GTE seek three exchange boundary changes in this petition, with specific descriptions and maps attached as exhibits. The petition was filed in accordance with Rules 25-4.005 and 28.106.201, Florida Administrative Code.

DOCUMENT NUMBER-DATE

12118 OCT-7 99

FPSC-RECORDS/REPORTING

This recommendation addresses whether the joint petition to transfer the territories in Pasco County and to amend the certificates of the petitioners should be granted by this Commission.

ISSUE 1: Should the Commission approve the joint petition by GTE and Sprint to transfer certain territories in Pasco County, and to amend their respective certificates?

RECOMMENDATION: Yes. The Commission should approve the joint petition by GTE and Sprint to transfer certain territories in Pasco County, and amend their respective certificates. **(BARRETT)**

STAFF ANALYSIS: On August 30, 1999, a joint petition by GTE and Sprint was filed to transfer certain exchange territories in Pasco County and amend their respective local exchange certificates. The present exchange boundary lines generally follow existing streets and roads, but in some cases bisect planned subdivisions and even individual lots located in each company's service area. The petitioners are striving to minimize, if not eliminate, the future possibility that the boundaries in these areas could split subdivisions or individual lots. The proposed transfer of territories would revise the respective exchange boundaries to be consistent with the boundaries for the planned subdivisions.

Rule 25-4.005, Florida Administrative Code, provides the basis for Commission approval of a requested transfer of exchange properties. In part, it reads as follows:

25-4.005 Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Areas.

(1) Request for approval by the Commission of transfer of any certificate of public convenience and necessity (or portion thereof) shall be made by joint petition of the certificate holder and transferee after reasonable notice has been given to all subscribers affected by the

proposed transfer. Requests for approval shall be accompanied by an affidavit that notice of intention to file the petition has been given:

(a) By mail or personal delivery to the governing bodies of the counties and municipalities affected, to the Public Counsel, and to the Commission,

(b) By a legal advertisement in a newspaper of general circulation in the area affected and published on two (2) separate occasions at least two (2) weeks prior to the filing of the joint petition on the proposed transfer, and

(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition. A complete list, by telephone number (numerical sequence), name, address, and class of service of all subscribers sent a written notice shall be furnished to the Commission immediately following distribution.

. . . .

(3) Such joint petitions shall include detailed descriptions of the affected boundaries; the number of subscribers, if any, in each petitioned area; changes in rates; service being provided by either petitioner in areas to be transferred; pending applications for service held by either petitioner; changes in calling scope; customers to be transferred; deposits and deposit interest; any financial exchange or consideration for the proposed change, and a list by name and telephone number of all customers who will be exempt from the proposed change.

The petitioners' request included the appropriate documents as described in sub-parts (1)(a) and (1)(b) of 25-4.005, Florida

Administrative Code; the information required in sub-part (1)(c) of this Rule was filed separately under confidential classification. Staff also affirms that all of the provisions of sub-part 25-4.005(3), Florida Administrative Code, were met as well.

The petitioners contend that for the 23 affected subscribers, no change in their telephone service, service provider, rates, or local calling scope would result. With this petition, the companies ask to realign their certificated territory to more accurately reflect their actual and planned provision of service.

On September 22, 1999, a Florida Public Service Commission staff engineer conducted an on-site examination of the specific regions named in the petition and found the information to be accurate.

If the Commission approves the joint petition, the appropriate modifications to the companies' certificates should be made, as provided in 25-4.005(2), Florida Administrative Code:

(2) Upon approving a transfer of certificate, or portion thereof, the Commission will cancel same and reissue in the name of the transferee or amend the description of the service area or both.

Staff believes that the actions proposed in the joint petition are necessary and appropriate based on the companies' adherence to the provisions of Rule 25-4.005, Florida Administrative Code, their willingness to correct an inaccuracy in their respective certificates on file, and the negligible impact on the affected telephone subscribers. If approved, the respective certificates held by the petitioners will more accurately reflect their provision of telecommunications service. Therefore, the Commission should approve the joint petition by GTE and Sprint to transfer certain territories in Pasco County, and to amend their respective certificates.

DOCKET NO. 991191-1L
DATE: October 7, 1999

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Upon approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, the Order will become final upon issuance of a consummating order and this docket should be closed. (WATTS)

STAFF ANALYSIS: With the Commission's approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, the Order will become final upon issuance of a consummating order and this docket should be closed.