

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition by  
BellSouth Telecommunications,  
Inc. (holder of LEC Certificate  
No. 8) and Sprint-Florida,  
Incorporated (holder of LEC  
Certificate No. 22) for approval  
to transfer territories in  
Orange and Seminole Counties and  
to amend certificates.

DOCKET NO. 001678-TL  
ORDER NO. PSC-01-0738-PAA-TL  
ISSUED: March 23, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING JOINT PETITION BY BELLSOUTH TELECOMMUNICATIONS,  
INC. AND SPRINT-FLORIDA, INCORPORATED TO TRANSFER TERRITORIES IN  
ORANGE AND SEMINOLE COUNTIES AND AMEND THEIR CERTIFICATES

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 November 7, 2000, Sprint-Florida, Incorporated (Sprint) and  
BellSouth Telecommunications, Inc. (BellSouth) filed a joint  
petition to modify five exchange boundaries located in Orange and  
Seminole counties. These boundary changes would place the areas in  
question wholly within one exchange, but would move certain areas  
from one LEC's territory to the other's territory.

DOCUMENT NUMBER-DATE

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PSC-RECORDS REPORTING

On January 24, 2001, our staff conducted on-site visits to the five areas listed in the joint petition. Sprint and BellSouth representatives were present at the visits. Sprint and BellSouth also filed an Affidavit with verification of compliance with Section 364.335, Florida Statutes and Rules 25-4.005 (1) (a) (b) (c) and 25-4.005(3).

The Commission is vested with jurisdiction over this matter pursuant to Section 364.335, Florida Statutes and Rule 25-4.005, Florida Administrative Code.

The first proposed boundary change is to move a portion of the Remington Oaks subdivision from the BellSouth Orlando - Pine Hills Exchange to the Sprint Winter Garden Exchange. Forty of the one-hundred and forty lots in the Remington Oaks subdivision are located in the BellSouth Orlando-Pine Hills Exchange, while the remainder are in the Sprint Winter Garden Exchange. As stated in the petition, Sprint currently provides service to twenty-nine subscribers located in the BellSouth Orlando - Pine Hills Exchange. There is one existing subscriber, Cazzie Meeks, who has been a customer of BellSouth for approximately thirty years and desires to remain in the BellSouth Orlando - Pine Hills Exchange. It was agreed between Sprint and BellSouth that Mr. Meeks will continue to be served from the BellSouth Orlando - Pine Hills Exchange. With the exception of Mr. Meeks, BellSouth is not providing service to any customers in this development. After reviewing the proposed joint petition, our staff confirmed that no subscribers, with the exception of Mr. Meeks, would be affected by modifying the Sprint Winter Garden Exchange to include all of the Remington Oaks subdivision.

The second boundary change is to move part of the proposed Ballentyne subdivision into the Sprint Winter Park Exchange. In the petition, it stated that thirteen of the thirty three residential lots in the Ballentyne subdivision are located in the BellSouth Orlando-Pine Hills Exchange, with the remainder located in the Sprint Winter Park Exchange. During our staff's site visit, it was revealed that there are thirty five residential lots and fifteen of these lots are located in the BellSouth Orlando-Pine Hills Exchange. Currently four homes are under construction in the BellSouth area of this subdivision and BellSouth is not providing

service to any customers in this development, therefore, it appears that this modification would not adversely affect subscribers.

The petition states that the third boundary change is to move part of the proposed Chain of Lakes Middle School. At the time the petition was filed, the school was under construction. However, our staff's site visit revealed that Chain of Lakes Middle School is a fully operating school with its recreational fields located in BellSouth's Orlando Pine Hills Exchange. The school and administration buildings are located in Sprint's territory and are currently being served by Sprint. It appears that no subscribers would be affected by modifying the Sprint Windermere Exchange to include the Chain of Lakes Middle School's recreational area.

The fourth boundary change is to move part of the proposed Windermere Oaks subdivision from the BellSouth Orlando-Pine Hills Exchange to the Sprint Winter Garden Exchange. Twenty eight and a half of the seventy four residential lots in the Windermere Oaks subdivision are located in the BellSouth territory with the remainder in the Sprint Winter Garden Exchange. There are no homes under construction at this time, therefore, it appears that no subscribers would be affected by modifying the Sprint Winter Garden Exchange to include the entire Windermere Oaks subdivision.

The fifth boundary change is to move part of the proposed Horizons at Orlando Marriott Vacation Club, Residence Inn-Horizons at Orlando, from the BellSouth Orlando-Sand Lake Exchange to the Sprint Reedy Creek Exchange. The Marriott Vacation Club consisting of 900 units is located in Sprint's territory. The Residence Inn-Horizons at Orlando is still under construction and will consist of 380 units. It appears that no subscribers would be affected by modifying the Sprint Reedy Creek Exchange to include the entire Horizons at Orlando Marriott Vacation Club.

We agree with Sprint and BellSouth as stated in their petition that present boundary lines are generally along section lines, roads and streets. In some cases, the existing boundary bisects planned subdivisions located in both companies' territories. It is also stated that boundaries may bisect individual lots in planned subdivisions, which makes servicing difficult. This petition is sought to permit revision in company boundaries, which will not divide planned subdivisions and businesses, and to move the

existing boundary to more readily discernable terrain features. Boundary redefinitions will minimize, if not negate, the future possibility that boundaries in these areas could bisect subdivisions, individual lots, business property, thereby rendering the boundaries more usable in the provision and administration of service.

Both Sprint and BellSouth have agreed that the requested transfer of service areas are feasible from an economic standpoint and beneficial to the subscribers of both companies.

It appears that Sprint and BellSouth have complied with applicable provisions of Rules 25-4.005(1)(a), (b), (c) and 25-4.005(3), Florida Administrative Code, which state that:

(1) Request for approval by the Commission of the 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. . . .

(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.

Upon consideration, we find that the actions proposed in the joint petition are reasonable and the application is consistent with Rule 25-4.005(1)(a)(b)(c), and (3), Florida Administrative Code. Therefore, we grant the joint petition by Sprint and BellSouth to transfer certain territories in Orange and Seminole counties and to amend certificates. Accordingly, Sprint and BellSouth shall file tariffs within sixty days of the issuance date of this order reflecting the exchange boundary changes.

Based on the foregoing,

ORDERED by the Florida Public Service Commission that the joint petition by Sprint-Florida, Incorporated and BellSouth Telecommunications, Inc. to transfer certain territories in Orange and Seminole counties described in the body of this Order is granted. It is further

ORDERED that the respective certificates of Sprint-Florida, Incorporated and BellSouth Telecommunications, Inc. are amended to reflect the modifications of territory in Orange and Seminole counties as described in the body of this Order. It is further

ORDERED that Sprint-Florida, Incorporated and BellSouth Telecommunications, Inc. shall file tariffs within 60 days of the issuance date of this Order reflecting the exchange boundary changes as described in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540

ORDER NO. PSC-01-0738-PAA-TL  
DOCKET NO. 001678-TL  
PAGE 6

Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 23rd Day of March, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

FRB

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 that is available under Section 120.57, 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 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.

ORDER NO. PSC-01-0738-PAA-TL  
DOCKET NO. 001678-TL  
PAGE 7

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 April 13, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.