



Public Service Commission
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DATE: APRIL 3, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (PRUITT, COLBY) *jc*
OFFICE OF THE GENERAL COUNSEL (ROJAS, MCKAY) *9R* *VSM* *2.27.*

RE: DOCKET NO. 030138-TL - JOINT PETITION FOR TRANSFER OF TERRITORY, FOR MODIFICATION OF CERTAIN EXCHANGE BOUNDARIES, AND FOR CERTIFICATE AMENDMENT IN ORANGE COUNTY BY SPRINT-FLORIDA, INCORPORATED (HOLDER OF CERTIFICATE NO. 22) AND BELL SOUTH TELECOMMUNICATIONS, INC. (HOLDER OF CERTIFICATE NO. 8).

AGENDA: 04/15/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030138.RCM

CASE BACKGROUND

On February 7, 2003, Sprint-Florida, Incorporated (Sprint) and BellSouth Telecommunications, Inc. (Bell) filed a joint petition for approval of a territorial agreement. The territorial agreement between Sprint and Bell modifies an exchange boundary by transferring a portion of the Baldwin Park Planned Unit Development (PUD) in Orange County from the BellSouth Orlando Exchange to the Sprint Winter Park Exchange and by transferring a portion of the PUD from the Sprint Winter Park Exchange to the BellSouth Orlando Exchange.

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On March 10, 2003, staff conducted an on-site visit to the Baldwin Park PUD. This is staff's recommendation to approve the territorial agreement.

The Commission is vested with jurisdiction in this matter pursuant to Section 364.335, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the joint petition filed by Sprint-Florida, Incorporated and BellSouth Telecommunications, Inc. for approval of a territorial agreement to modify the exchange boundary within the Baldwin Park Planned Unit Development and to amend the companies' local exchange certificates be approved?

RECOMMENDATION: Yes. The joint petition filed by Sprint and Bell should be approved because it meets the requirements of Rule 25-4.005, Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or Portion of Service Area. (PRUITT, COLBY)

STAFF ANALYSIS: Staff's on-site visit confirmed that there are no current subscribers in the portion of the PUD addressed in the joint petition. Currently some of the exchange boundary lines bisect individual lots which would make servicing difficult. The proposed boundary changes would follow the centerline of streets currently projected within the development. This would make the boundaries more conducive to the provision and administration of telecommunications service.

Staff concludes that Sprint and Bell have complied with the applicable provisions of Rule 25-4.005, Florida Administrative Code, by submitting an affidavit that the notice of intention to file the petition was provided to the Public Counsel, this Commission, and the governing bodies affected in Orange County. The requirement for two legal advertisements was also met.

Accordingly, staff recommends that the joint petition to modify the exchange boundary in the Baldwin Park PUD be approved.

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Sprint and Bell should file tariffs reflecting the exchange boundary changes within 60 days of the issuance date of the consummating order.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (ROJAS)

STAFF ANALYSIS: At the conclusion of the protest period, if no protest is filed, this docket should be closed upon the issuance of a consummating order.