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# P.A.C. LAND DEVELOPMENT CORPORATION

A REAL ESTATE DEVELOPMENT COMPANY

730 BONNIE BRAE STREET  
WINTER PARK, FLORIDA 32789  
TELEPHONE (407) 628-3065 FAX (407) 645-0112

October 10, 2007

RECEIVED FPSC  
07 OCT 11 AM 9:21  
COMMISSION  
CLERK

Dale R. Buys  
Bureau of Telecommunications  
Service Quality, Certification and Enforcement  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

070000-0T

Re: Victoria Grand Apartments

Dear Mr. Buys:

This is in response to your letter dated September 28, 2007, copy attached. Please be advised that we have selected an alternative carrier to Embarq. My understanding is that Embarq will not be obligated to provide local service. However, the new venture is very risky. I have made arrangements to install additional conduit on the subject property should telecommunication service from Embarq become necessary in the future. By default, Embarq may become my carrier-of-last-resort in the future. The site is approximately 20 acres and is known as Victoria Grand Apartments.

Please note, I do own an additional 5.2 acres across the street known as Sunland Commercial. **I DO NOT WAIVE MY RIGHT TO HAVE EMBARQ PROVIDE LOCAL TELECOMMUNICATIONS. AGAIN, EMBARQ WILL NEED TO PROVIDE TELECOMMUNICATION SERVICE FOR THE 5.2 ACRE SITE KNOWN AS SUNLAND COMMERCIAL.**

Sincerely,

P.A.C. Land Development Corp.

Thomas L. Cavanaugh  
President

TLC/db

/Encl.

Cc: Susan S. Masterton w/encl. – Senior Counsel, Embarq  
Ann Cole w/encl. – Florida Public Service Commission

07 OCT 11 AM 8:58

FILED DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
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STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

Public Service Commission

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OCT - 4 2007

September 28, 2007

P.A.C. Land Development Corp.

Mr. Tom Cavanaugh  
President  
P.A.C. Land Development  
703 Bonnie Brae Street  
Winter Park, FL 32758

**Re: Confirmation of automatic relief from Embarq's carrier-of-last-resort obligation for the provision of basic local telecommunications service to the residents of the development known as Victoria Grand Apartments located in Tallahassee, Florida.**

Dear Mr. Cavanaugh:

Embarq Florida, Inc. (Embarq) notified the Florida Public Service Commission (Commission) that it is relieved from its carrier-of-last-resort obligation at the development known as Victoria Grand Apartments located in Tallahassee, Florida, pursuant to Section 364.025(6)(b)1, Florida Statutes, and that Embarq will not be providing basic local telecommunications service to the residents at that property. The pertinent sections of the statute are emphasized in bold face type.

*Section 364.025(6)(b), Florida Statutes, Universal Service, states:*

*(b) A local exchange telecommunications company obligated by this section to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to any customers in a multitenant business or residential property, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, when the owner or developer thereof:*

*1. Permits only one communications service provider to install its communications service-related facilities or equipment, to the exclusion of the local exchange telecommunications company, during the construction phase of the property;*

*2. Accepts or agrees to accept incentives or rewards from a communications service provider that are contingent upon the provision of any or all communications services by one or more communications service providers to the exclusion of the local exchange telecommunications company;*

Mr. Tom Cavanaugh  
Page 2  
September 28, 2007

3. *Collects from the occupants or residents of the property charges for the provision of any communications service<sup>1</sup>, provided by a communications service provider other than the local exchange telecommunications company, to the occupants or residents in any manner, including, but not limited to, collection through rent, fees, or dues; or*

4. *Enters into an agreement with the communications service provider which grants incentives or rewards to such owner or developer contingent upon restriction or limitation of the local exchange telecommunications company's access to the property.*

The purpose of this inquiry is for Commission staff to confirm that the developer, P.A.C. Land Development, concurs with the information submitted by Embarq to the Commission and understands that pursuant to Section 364.025(6)(b), Florida Statutes, Embarq will not be obligated to provide basic local telecommunications service to the residents of the development. Please provide me with a reply on behalf of the developer by October 19, 2007. You may send your reply via facsimile or email. Thank you for your cooperation in this matter.

Sincerely,



Dale R. Buys  
Regulatory Analyst IV  
Bureau of Telecommunications Service Quality,  
Certification and Enforcement

Tel: (850) 413-6536

Fax: (850) 413-6537

Email: [dbuys@psc.state.fl.us](mailto:dbuys@psc.state.fl.us)

Attachment

cc: Karen Peacock (CMP)

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<sup>1</sup> "Communications service" means voice service or voice replacement service through the use of any technology.



Embarq Corporation  
EMBARQ.com  
Mailstop: FTLHO0201  
1313 Blair Stone Road  
Tallahassee, FL 32301

FILED ELECTRONICALLY

September 27, 2007

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RE: COLR Obligation/Victoria Grand Apartments

Dear Ms. Cole:

In accordance with section 364.025(6)(b)1., F.S., Embarq Florida, Inc. (Embarq) submits this Notice that it is relieved of its carrier of last resort obligation (COLR) to provide service to the following:

Development: Victoria Grand Apartments  
Location: 2350 Phillips Road, Tallahassee, Florida in Embarq's Tallahassee Exchange

To the best of Embarq's knowledge the contact information for the developer for Victoria Grand Apartments is:

P.A.C. Land Development  
c/o Tom Cavanaugh, President  
703 Bonnie Brae Street  
Winter Park, FL 32758  
(407) 628-3065

The developer has entered into an exclusive arrangement with another provider for the provision of communications services, so that Embarq is prohibited from installing its facilities. Therefore, Embarq is relieved of its COLR obligation at the property, effective as of the date of the agreement(s) with the other provider, and will not be providing service to the residents at the property.

**Susan S. Masterton**  
SENIOR COUNSEL  
Voice: (850) 599-1560  
Fax: (850) 878-0777  
Susan.masterton@embarq.com

If you have any questions concerning this matter, please contact me or Harvey Spears at 599-1401.

Sincerely,

s/ Susan S. Masterton  
Susan S. Masterton

Cc: Rick Moses, FPSC (via electronic mail)  
Harvey Spears, Embarq (via electronic mail)  
Tom Cavanaugh (via U.S. Mail)

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1313 Blair Stone Road  
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September 27, 2007

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s/ Susan S. Masterton

Susan S. Masterton

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Harvey Spears, Embarq (via electronic mail)  
Tom Cavanaugh (via U.S. Mail)

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