

Ruth Nettles

From: Woods, Vickie [vf1979@att.com]
Sent: Friday, January 11, 2008 12:00 PM
To: Filings@psc.state.fl.us
Subject: New Docket: AT&T's Petition to Change Demarcation Point (Boca Raton)
Attachments: Boca_Rat.pdf

080037-72

A. Vickie Woods
 Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch,
 and Manuel A. Gurdian,
 BellSouth Telecommunications, Inc. d/b/a AT&T Florida
 150 South Monroe Street
 Suite 400
 Tallahassee, Florida 32301
 (305) 347-5560
vf1979@att.com

B. Docket No:

Petition by AT&T Florida Requesting Permission to Change Demarcation Point Specified in Rule 25-4.0345)(b), Florida Administrative Code (Boca Raton)

C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida

on behalf of Manuel A. Gurdian

D. 11 pages total (includes letter, certificate of service, pleading and Exhibits A and B)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition to Change

Demarcation Point (Boca Raton)

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Manuel A. Gurdian
Attorney
Legal Department

AT&T Florida
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

T: (305) 347-5561
F: (305) 577-4491
manuel.gurdian@att.com

080037-72

January 11, 2008

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

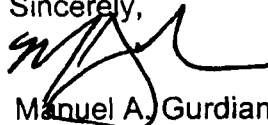
**Re: Docket No.: _____
Petition by AT&T Florida Requesting Permission to Change
Demarcation Point Specified in Rule 25-4.0345(1)(b), Florida
Administrative Code (Boca Raton)**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition Requesting Permission to Change Demarcation Point Specified in Rule 25-4.0345(1)(b), Florida Administrative Code (Boca Raton), which we ask that you file in the captioned *new* docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record
Jerry Hendrix
Lisa S. Foshee
E. Earl Edenfield, Jr.

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CERTIFICATE OF SERVICE
Petition by AT&T Florida Requesting Permission to Change
Demarcation Point Specified in Rule 25-4.0345(1)(b), Florida
Administrative Code (Boca Raton)

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and Federal Express this 11th day of January, 2008 to the following:

Adam Teitzman
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Jamie Telchin
VP - Development of 1000 Ocean
Boca Raton Resort & Club
2nd Floor Executive Offices
501 East Camino Real
Boca Raton, FL 33432
Jtelchin@luxuryresorts.com
rbobrowski@luxuryresorts.com



Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T Florida Requesting)
Permission to Change Demarcation Point)
Specified in Rule 25-4.0345(1)(b), Florida)
Administrative Code (Boca Raton))
_____)

Docket No.: 080037-72

Filed: January 11, 2008

AT&T FLORIDA'S PETITION TO CHANGE DEMARCATION POINT

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") hereby requests the Florida Public Service Commission ("Commission") to grant, pursuant to and as contemplated by Rule 25-4.0345(1)(b) ("the Rule"), Florida Administrative Code, permission for AT&T Florida to provide service at a different demarcation point, than as specified in the Rule, for basic local telecommunications service to future unit owners at the condominium building to be constructed at 1000 S. Ocean Boulevard, Boca Raton, Florida 33432 (referred to as "1000 Ocean"), owned by BRE/Point Parcel, LLC ("BRE/Point Parcel"), for the reasons set forth below. Specifically, AT&T Florida seeks the following:

1. AT&T Florida is a local exchange company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.

2. AT&T Florida's principal place of business is 675 W. Peachtree St., NE, Suite 4500, Atlanta, GA 30375. Pleadings and process may be served upon:

E. Earl Edenfield, Jr.
Tracy W. Hatch
Manuel A. Gurdian
c/o Gregory Follensbee
150 South Monroe Street, Ste. 400
Tallahassee, FL 32301
ke2722@att.com
305.347.5558 (telephone)
850.222.8640 (fax)

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3. Pleadings and process for BRE/Point Parcel may be served upon:

Jamie Telchin
Vice President- Development of 1000 Ocean
Boca Raton Resort & Club
2nd Floor Executive Offices
501 East Camino Real
Boca Raton, FL 33432
itelchin@luxuryresorts.com
rbobrowski@luxuryresorts.com
561.447.3535

4. Rule 25-4.0345(1)(b), Florida Administrative Code, sets forth the required location, unless otherwise ordered by the Commission for good cause shown, for the point of physical interconnection between the telephone network and the customer's premises wiring, or the demarcation point.

5. Rule 25-4.0345(1)(b)(2) requires that the demarcation point for a single line/multi-customer building be located within the customer's premises at a point easily accessed by the customer.

7. Upon information and belief, BRE/Point Parcel owns 1000 Ocean. See Exhibit "A" attached hereto.

8. BRE/Point Parcel has requested a single point of demarcation for AT&T Florida services at 1000 Ocean. See Exhibit "B" attached hereto. BRE/Point Parcel has advised that it wants the demarcation point for AT&T Florida's services to be located in the main telephone room for 1000 Ocean.

9. AT&T Florida fully supports the existing Rule but is requesting the approval for good cause – in order to provide basic local telecommunications service to unit owners at 1000 Ocean given BRE/Point Parcel's requested demarcation point.

10. Thus, to the extent AT&T Florida needs the Commission to approve a different demarcation point for basic local telecommunications service to 1000 Ocean, this Petition requests approval for "good cause shown" under the Rule.

WHEREFORE, AT&T Florida requests that, having demonstrated good cause for the relief requested herein, the Commission grant its Petition.

Respectfully submitted this 11th day of January, 2008.

AT&T FLORIDA



E. Earl Edenfield Jr..

Tracy W. Hatch

Manuel A. Gurdian

c/o Greg Follensbee

150 South Monroe Street, Ste. 400

Tallahassee, FL 32301

(305) 347-5558



Lisa S. Foshee

AT&T Southeast

675 West Peachtree Street, Suite 4300

Atlanta, Georgia

(404) 335-0750

700633

wlc 10

|||||

Prepared by and return to:

Jonathan S. Gelman, Esq.
Greenberg Traurig, P.A.
401 East Las Olas Boulevard
Suite 2000
Fort Lauderdale, FL 33301

CFN 20060473671
OR BK 20729 PG 0097
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Palm Beach County, Florida
AMT 10.00
Doc Stamp 0.70
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Pgs 0097 - 100; (4pgs)

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SPECIAL WARRANTY DEED

This Special Warranty Deed made this 11th day of August, 2006, between **PANTHERS BRHC L.L.C.**, a Delaware limited liability company whose post office address is c/o Blackstone Real Estate Acquisitions IV L.L.C., 345 Park Avenue, New York, New York 10154 ("Grantor"), and **BRE/POINT PARCEL L.L.C.**, a Delaware limited liability company, whose post office address is c/o Blackstone Real Estate Acquisitions IV L.L.C., 345 Park Avenue, New York, New York 10154 ("Grantee"):

(Whenever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **Palm Beach County**, to-wit:

See Exhibit A attached hereto and incorporated herein.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

This conveyance is **SUBJECT TO** taxes for the year of 2006 and all subsequent years, and all matters and limitations of record, tenants in possession, matters an accurate survey would show,

Note to Examiner: The conveyance evidenced by this deed represents a transfer of unencumbered real property from the Grantor to the Grantee as an additional contribution to the capital of Grantee by the Grantor. Grantee is owned 100% by Grantor. No additional interest in the Grantee has been issued to the Grantor in connection with this additional contribution of capital. Accordingly, this deed is subject only to nominal state of Florida documentary stamp taxes. See Crescent Miami Center LLC v Florida Department of Revenue, 903 So.2d 913 (Fla. 2005).

EXHIBIT
"A"

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comprehensive land use plans, existing zoning, restrictions, prohibitions and other similar requirements imposed by government authority without serving to reimpose same.

And the Grantor hereby covenants with said grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully Warrants the title to said land and Will defend the same against the lawful claims of all persons claiming by, through or under Grantor but not otherwise.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

PANTHERS BRHC L.L.C., a Delaware limited liability company

[Signature]
Print Name: Leigh Brown

By: [Signature]
Name: Alan Miyasaki
Title: Vice President

[Signature]
Print Name: Amanda Laird

STATE OF NEW YORK)
) SS:
COUNTY OF Ny)

The foregoing instrument was acknowledged before me this 6 day of August, 2006 by Alan Miyasaki, as VP of PANTHERS BRHC L.L.C., a Delaware limited liability company, who is personally known to me or who has produced _____ as identification.

[NOTARIAL SEAL]

Notary: [Signature]
Print Name: _____
Notary Public, State of New York
My commission expires: _____

DOUGLAS V. SUMMA
NOTARY PUBLIC, State of New York
No. 01806133067
Qualified in New York County
Commission Expires Sept. 6, 2009

EXHIBIT "A"

Legal Description

Exhibit A

A portion of Parcel "A", BOCA BEACH CLUB, according to the plat thereof, as recorded in Plat Book 67, pages 148 through 150, of the Public Records of Palm Beach County, Florida, described as follows:

Commence at a Northwest corner of said Parcel "A", said corner also being the Southwest corner of Parcel "A" of PRESIDENTIAL PLACE, according to the plat thereof as recorded in Plat Book 70, pages 3 through 5 of the Public Records of Palm Beach County, Florida; thence North 88° 06' 34" West, along the Westerly extension of the North line of Parcel "A" of said BOCA BEACH CLUB, 7.45 feet to the East line of Section 29, Township 47, South, Range 43 East; thence South 03° 03' 32" East, along said East line, 703.29 feet to the expansion joint of a parking garage and to the Point of Beginning; thence South 88° 54' 32" East, along said expansion joint, 18.41 feet; thence South 57° 15' 05" East, along the northeasterly limits of said parking garage, 77.78 feet; thence South 00° 22' 22" East, 292.50 feet to the South line of Parcel "A" of said BOCA BEACH CLUB; thence South 89° 37' 38" West, along said South line, 263.01 feet to the mean high water line of Lake Boca Raton; thence meander along said mean high water line for the following nineteen (19) courses and distances: (1) North 54° 38' 21" West, 30.79 feet; (2) North 46° 01' 54" West, 21.37 feet; (3) North 39° 56' 47" West, 15.03 feet; (4) North 34° 44' 13" West, 24.01 feet; (5) North 29° 06' 34" West, 20.51 feet; (6) North 21° 20' 12" West, 26.74 feet; (7) North 14° 58' 56" West, 13.47 feet; (8) North 10° 50' 01" West, 15.30 feet; (9) North 07° 06' 18" West, 7.49 feet; (10) North 04° 58' 35" West, 11.93 feet; (11) North 03° 20' 18" West, 5.92 feet; (12) North 00° 46' 56" West, 5.95 feet; (13) North 00° 02' 11" East, 27.96 feet; (14) North 00° 10' 20" West, 10.31 feet; (15) North 00° 29' 25" East, 31.29 feet; (16) North 00° 25' 12" East, 44.17 feet; (17) North 32° 45' 20" East, 2.34 feet; (18) North 05° 45' 20" West, 50.43 feet; (19) North 01° 06' 41" East, 56.34 feet; thence South 88° 52' 56" East, 69.89 feet to a point of curvature of a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 77.50 feet and a central angle of 23° 54' 13", a distance of 32.33 feet to a point of reverse curvature of a curve concave to the Northeast; thence Easterly along the arc of said curve, having a radius of 67.50 feet and a central angle of 27° 49' 47", a distance of 32.79 feet to the Westerly limits of a parking garage; thence South 01° 05' 28" West, along said Westerly limits, 34.00 feet; thence South 88° 54' 32" East, along the expansion joint of a parking garage, 139.34 feet to the Point of Beginning.

Point Parcel

Dear (Property Owner)

Per Title 47 of the Code of Federal Regulations, Part 68.3, the Federal Communications Commission (FCC) requires telecommunications carriers to fully inform property owners of available options for location of the point(s) of service demarcation. The purpose of this letter is to provide you with such information and to serve as a record of your choice in this matter.

The above referenced rule permits the carrier to adopt a uniform policy of locating all tenants' service demarcation points at the Minimum Point of Entry (MPOE) of the property. If the carrier does not adopt such a policy, the property shall decide whether to:

1. Allow the carrier to establish multiple points of demarcation, each point typically located within each tenant's premises; or,
2. Require the carrier to locate all tenants' demarcation points at a single point on the property, typically at the MPOE.

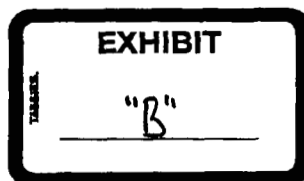
BellSouth **has not** adopted a MPOE policy. Therefore, as the Property Owner or authorized agent of the Owner, you may choose one of the two options described above and listed below. If the Owner chooses MPOE demarcation, an exception to the general Florida Public Service Commission Rule (Rule 25-4.0345) requiring demarcation in each customer's premises will be necessary.

Please sign the appropriate box below indicating your election. Note that once demarcation points have been established, rearrangement of services, either to or from a MPOE demarcation point, is likely to involve considerable expense to the party requesting such rearrangement. Therefore, Owner is encouraged to carefully consider alternatives and to seek assistance from BellSouth, legal counsel, the Florida Public Service Commission or any other source if questions arise. BellSouth will provide a copy of this letter of election to state and federal regulatory agencies or other entities upon request.

Property Owner desires and elects that BellSouth, in consultation with the Owner and individual tenants, will establish multiple demarcation points at the subject property, each located as close as practicable to where BellSouth's wiring enters each tenant's premises. It is acknowledged and understood that BellSouth will install, maintain, repair and own all telecommunications cable and equipment required to provide BellSouth services to the various tenant demarcation points.

Name/Title of Property Owner or Agent

Signature & Date



DOCUMENT NUMBER-DATE

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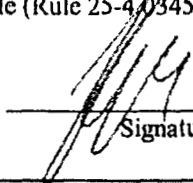
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Property Owner desires and elects that BellSouth establish a single point of demarcation for all tenants' services at the MPOE. Owner acknowledges and understands that BellSouth shall have no obligation to install, maintain or repair any telecommunications wiring or equipment between the MPOE and tenants' premises; and that such responsibility rests with the Owner and/or tenants. It is understood that this election is subject to the Florida Public Service Commission granting an exception to its general rule (Rule 25-4.0345) requiring demarcation in each customer's premises.

Brian Allen

Name/Title of Property Owner or Agent

BRE / Point Parcel, LLC



11/3/08

Signature & Date