

Dorothy Menasco

090375-TL

From: Woods, Vickie [vf1979@att.com]
Sent: Friday, July 17, 2009 11:15 AM
To: Filings@psc.state.fl.us
Subject: New Docket: (Replacement) AT&T Florida's Request for Permission to Change Demarcation Point Specified in Rule 25-4.0345(1)(b)
Attachments: Document.pdf

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, Rm. 400
Tallahassee, FL 32301-1558
(305) 347-5560
vf1979@att.com

B. Re: Request by BellSouth Telecommunications, Inc., d/b/a AT&T Florida

Requesting Permission to Change Demarcation Point Specified in 25-4.0345(1)(b), Florida Administrative Code

C. AT&T Florida
on behalf of Manuel A. Gurdian

D. 8 pages total in PDF format (includes letter, certificate, pleading and Exhibit A)

E. AT&T Florida's Request for Permission to Change Demarcation Point Specified in Rule 25-4.0345(1)(b)
.pdf

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7/17/2009

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Manuel A. Gurdian
Attorney

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

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

July 17, 2009

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

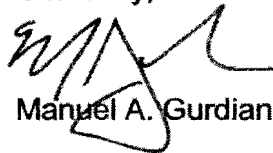
**Re: Request by BellSouth Telecommunications, Inc., d/b/a AT&T
Florida Requesting Permission to Change Demarcation Point
Specified in 25-4.0345(1)(b), Florida Administrative Code**

Dear Ms. Cole:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Request for Permission to Change Demarcation Point Specified in Rule 25-4.0345(1)(b), which we ask that you file in the captioned new docket.

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
Gregory R. Follensbee
E. Earl Edenfield, Jr.

CERTIFICATE OF SERVICE

**Request by BellSouth Telecommunications, Inc., d/b/a AT&T Florida
Requesting Permission to Change Demarcation Point
Specified in 25-4.0345(1)(b), Florida Administrative Code**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(*) Electronic Mail and First Class U.S. Mail this 17th day of July, 2009 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

John A. Capes
Executive Director/Vice-President
Moosehaven, Inc.
1701 Park Avenue
Orange Park, FL 32073
Tel. No. (904) 278-1210



Mandel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Tele-)
communications, Inc., d/b/a AT&T Florida) Docket No.: _____
Requesting Permission to Change)
Demarcation Point Specified in 25-4.0345)
(1)(b), Florida Administrative Code)
_____) Filed: July 17, 2009

**AT&T FLORIDA'S REQUEST FOR PERMISSION TO CHANGE
DEMARCATON POINT SPECIFIED IN RULE 25-4.0345(1)(b)**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") hereby requests that the Florida Public Service Commission ("Commission") grant permission for AT&T Florida to change the demarcation point specified in Rule 25-4.0345(1)(b), Florida Administrative Code, for service to residential customers at Brandon Place at Moosehaven ("Brandon Place"), as further described 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 is a Georgia corporation and its principal place of business is 675 W. Peachtree Street, NE, Atlanta, Georgia 30375.
3. All pleadings, notices and other documents filed in this proceeding should be directed to AT&T Florida's representatives as follows:

E. Earl Edenfield, Jr.
Tracy W. Hatch
Manuel A. Gurdian
AT&T Florida
c/o Gregory R. Follensbee
150 South Monroe Street, Ste. 400
Tallahassee, FL 32301
ke2722@att.com

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th9467@att.com
mg2708@att.com
305.347.5558 (telephone)
850.222.8640 (fax)

4. Pleadings and process for Brandon Place may be served upon:

John A. Capes
Executive Director/Vice-President
Moosehaven, Inc.
1701 Park Avenue
Orange Park, FL 32073
(904) 278-1210

5. Rule 25-4.0345(1)(b), Florida Administrative Code (the "Rule") 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.

6. 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. Moosehaven, Inc. ("Moosehaven") owns and operates Brandon Place, which is located in Orange Park, Florida.

8. Moosehaven has advised AT&T Florida that Brandon Place will consist of 23 separate buildings (with 64 individual units).

9. Moosehaven has advised AT&T Florida that it desires to establish a single point of demarcation for AT&T Florida's services to tenants at Brandon Place. *See* Demarcation Election executed by John A. Capes, Executive Director/Vice President of Moosehaven, attached hereto as Exhibit "A."

10. Pursuant to the Demarcation Election executed by a Moosehaven's Executive Director/Vice-President, Moosehaven understands that AT&T Florida will 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 Moosehaven and/or its tenants.

11. If the single point of demarcation is established, AT&T Florida will be unable to locate its demarcation point within the customer's premises, as set forth in Rule 25-4.0345(1)(b)(2).

12. Thus, to the extent AT&T Florida needs the permission of the Commission to effect the change to the single demarcation point for service to residential subscribers at Brandon Place, this Petition requests such permission for "good cause shown" under the Rule.

13. AT&T Florida's request for permission to change the demarcation point for good cause shown request meets the "good cause shown" standard. AT&T Florida fully supports the existing Rule but is requesting the change in demarcation point for good cause -- in order to provide service given the changes that the property owner, Moosehaven, has requested.

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

Respectfully submitted this 17th day of July, 2009.

AT&T FLORIDA



E. EARL EDENFIELD JR.
~~TRACY W. HATCH~~
MANUEL A. GURDIAN
c/o Gregory R. Follensbee
150 South Monroe Street, Ste. 400
Tallahassee, FL 32301
(305) 347-5558

739262



June 06, 2009

Demarcation Point Election - Florida

Brandon Place @ Moosehaven
John Cafes
1701 Park Ave.
Orange Park, Florida, 32068

Dear Mr. Cafes,

Regarding Brandon Place @ Moosehaven,
1762 thru 1783 Cedar Key Court, and
1922 thru 1984 Astor Street,
Orange Park, Florida, 32068

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.

AT&T Florida 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 AT&T Florida legal counsel, the Florida Public Service Commission or any other source if questions arise. AT&T Florida will provide a copy of this letter of election to state and federal regulatory agencies or other entities upon request.

Sincerely,

AT&T FLORIDA 
(MUST BE DIRECTOR LEVEL OR ABOVE)

EXHIBIT A



Accepted and Agreed By:

John Capes, Moose Haven Community

By: John A. Capes 6/16/09
(Authorized Representative)

Name: John A. Capes

Title: Vice President

Date: 6/16/09

~~Property Owner desires and elects that AT&T Florida, 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 AT&T Florida's wiring enters each tenant's premises. It is acknowledged and understood that AT&T Florida will install, maintain, repair and own all telecommunications cable and equipment required to provide AT&T Florida services to the various tenant demarcation points.~~

Name/Title of Property Owner or Agent

Signature & Date

Property Owner desires and elects that AT&T Florida establish a single point of demarcation for all tenants' services at the MPOE. Owner acknowledges and understands that AT&T Florida 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.

John A. Capes
Vice President

Name/Title of Property Owner or Agent

John A. Capes
6/16/09

Signature & Date