

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
telephone exchange boundary
issues in St. Augustine and Palm
Coast exchanges (Daytona Beach
and Jacksonville LATA
boundaries).

DOCKET NO. 000258-TL
ORDER NO. PSC-00-1811-FOF-TL
ISSUED: October 3, 2000

The following Commissioners participated in the disposition of
this matter:

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

ORDER DETERMINING CERTAIN TELEPHONE
EXCHANGE BOUNDARIES TO REMAIN THE SAME

BY THE COMMISSION:

At the January 27, 2000, customer hearing in Docket No. 990517-TL, the Request for Review of Proposed Numbering Plan Relief for the 904 Area Code, Mr. and Mrs. Richard Rubino from the Palm Coast area expressed concerns about the boundary between the Daytona Beach and Jacksonville LATAs. As a result, this docket was opened to investigate the exchange boundary issues in this particular area. At the aforementioned customer hearing, BellSouth indicated that it would cooperate in efforts to resolve this matter.

We first received complaints from residents in this area pertaining to telephone exchange boundary issues in early 1999. Commission staff also received complaints from the Rubinos, the Waltmans, and the Boehms. These residents asserted that they would like to be able to call toll-free to the Palm Coast exchange. They explained that they all live in Flagler County, but are served from the St. Augustine exchange, which is in the Jacksonville LATA. The residents complained that their current local calling area includes the Hastings, St. Augustine, and St. Johns exchanges, instead of locations in Flagler County. Although they have extended calling to Green Cove Springs, Jacksonville, Jacksonville Beach, Julington,

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and Ponte Vedra Beach, these customers indicate that they would prefer to be in the Palm Coast exchange.

On November 4, 1999, BellSouth responded to Commission staff's inquiries in the above referenced complaints. In its letter, BellSouth explained that it is legally prohibited from carrying traffic across a LATA boundary. BellSouth did, however, acknowledge that on some occasions, the Federal Communications Commission (FCC) has granted waivers to modify a LATA boundary, provided that there has been a determination through balloting that there is a significant community of interest. BellSouth further stated that any remedy to these customers' concerns would require a change in LATA boundary, and they would also need to change their telephone numbers and local calling areas.

On February 24, 2000, our staff met with a BellSouth representative in an effort to find a remedy to this situation. The BellSouth representative again emphasized that the affected customers would have to agree to the changes to their telephone numbers and their local calling areas that would be necessitated by the boundary change before BellSouth would request a waiver of the LATA boundary from the FCC. He noted that in the past we have utilized a survey process to inform customers of similar situations and to gauge their willingness to accept such changes.

By Order No. PSC-00-0825-PAA-TL, issued April 26, 2000, we required a survey of the customers that would be affected by the proposed transfer from the Flagler County pocket of the St. Augustine exchange to the Palm Coast exchange. Pursuant to that Order, the survey was conducted using, as a guideline, Rule 25-4.063, Florida Administrative Code, which sets forth the survey provisions applicable to balloting in extended area service (EAS) cases. However, instead of the thresholds set forth in subsection (6) of the rule, we found it appropriate to require that at least 60 percent of the subscribers balloted must respond, and of those responding, at least a majority must vote in favor of the boundary change. The balloting results found below demonstrate that the response threshold was met, but the majority chose not to be transferred.

BALLOTING RESULTS		
	NUMBER OF BALLOTS	PERCENT OF BALLOTS
Mailed	54	100.00%
Returned	41	75.92%
		PERCENT OF RESPONSE
FOR Transfer	8	19.51%
AGAINST Transfer	33	80.49%


The survey results, which are summarized in the above table, indicate that although a sufficient number of ballots were returned to satisfy the criteria specified in Order No. PSC-00-0825-PAA-TL, the majority chose not to be transferred. Therefore, we find that the transfer of customers from the Flagler County pocket of the St. Augustine exchange to the Palm Coast exchange should not be required.

Based upon the foregoing, it is therefore,

ORDERED by the Florida Public Service Commission that as a result of the balloting, as described in the body of this Order, the customers from the Flagler County pocket of the St. Augustine exchange shall not be transferred to the Palm Coast exchange. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd day of October, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.