

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to change demarcation point specified in Rule 25-4.0345(1)(b), F.A.C., by BellSouth Telecommunications, Inc. d/b/a AT&T Florida.

DOCKET NO. 090375-TL  
ORDER NO. PSC-09-0664-PAA-TL  
ISSUED: October 6, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING AT&T FLORIDA'S PETITION TO CHANGE  
DEMARCATION POINT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

**I. Case Background**

On July 17, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T Florida) filed its petition requesting permission to change the point of demarcation specified in Rule 25-4.0345(1)(b), Florida Administrative Code (F.A.C.), for basic local service provided to tenants at Brandon Place, Orange Park, Florida (Brandon Place). Moosehaven, Inc. (Moosehaven) owns and operates a retirement community established for members of the Loyal Order of the Moose.

Brandon Place, currently under construction<sup>1</sup>, will be the newest component of the retirement community. Moosehaven advised AT&T Florida that it desired to establish a single

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<sup>1</sup> Brandon Place will be completed in three phases:

- Phase 1 estimated completion: 2010
- Phase 2 estimated completion: 2011
- Phase 3 estimated completion: 2012

All site work and infrastructure will be completed in Phase 1.

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FPSC-COMMISSION CLERK

point of demarcation at 1980-1 Astor Street to provide AT&T Florida services to the tenants of Brandon Place. Moosehaven's preferred location of the demarcation point is not specified in Rule 25-4.0345(1)(b), F.A.C., causing AT&T Florida to seek this Commission's approval to establish the demarcation point at a location other than that specified in the rule.

On July 21, 2009, we sent a letter to Moosehaven requesting additional information to clarify the impact that changing the demarcation point would have on the residents of Brandon Place. Moosehaven responded on August 3, 2009. After reviewing Moosehaven's response, our staff requested additional clarification on August 27, 2009. Moosehaven responded via e-mail the same day, stating in pertinent part:

Moosehaven is a retirement community in existence for 87 years. We currently provide all telephone equipment service and line repair to our residents from an existing demarcation point to the various existing customers on this campus and have done so for many years.

As part of a redevelopment project, we are opening new accommodations on an undeveloped portion of the campus. This new component will offer duplex housing instead of the apartment type accommodations found on the older portion of the campus. We request that a second demarcation point be established for this new development with the understanding that Moosehaven will continue to provide all equipment services and line repairs from that demarcation point to each individual customer as part of the service we offer to residents.

A resident, experiencing a loss of dial tone or other telephone problem, will report the problem to Moosehaven. Moosehaven will then verify if the problem is that of the telecommunications service provider, or if the problem is on the resident's side of the demarcation point. Moosehaven will either contact the telecommunications service provider, on behalf of the resident, or will make repairs to the network on the resident's side of the demarcation point, including wiring inside the resident's premises. Moosehaven offers this service as a convenience to its customers..

We find that the residents of Brandon Place will be adequately served from the single demarcation point requested, and we are vested with jurisdiction over this matter pursuant to Sections 364.01(4) and 350.127(2), Florida Statutes (F.S.)

## **II. Analysis**

Rule 25-4.0345, F.A.C., Customer Premises Equipment and Inside Wire, requires a local exchange company to provide and maintain the network facilities up to and including the demarcation point at each individual customer's premises. Specifically, Rule 25-4.0345(1)(b), F.A.C., states:

(b) "Demarcation Point." The point of physical interconnection (connecting block, terminal strip, jack, protector, optical network interface, or remote isolation

device) between the telephone network and the customer's premises wiring. ***Unless otherwise ordered by the Commission for good cause shown***, the location of this point is:

1. Single Line/Single Customer Building -- Either at the point of physical entry to the building or a junction point as close as practicable to the point of entry.
2. Single Line/Multi Customer Building -- Within the customer's premises at a point easily accessed by the customer.
3. Multi Line Systems/Single or Multi Customer Building -- At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.
4. Temporary Accommodations Subscriber Premises with Inadequate Grounding (e.g., some mobile homes, trailers, houseboats, construction modules) -- On a permanent stake, pole, or structure with a suitable safety ground.  
***(Emphasis added)***

As emphasized above, Rule 25-4.0345(1)(b), F.A.C., allows an exception to the required demarcation point as ordered by this Commission for good cause shown. Moosehaven has shown such good cause, stating in its response to our July 21, 2009 letter that the Brandon Place component of its retirement community would be adequately served by a minimum point of entry.

AT&T Florida would not be responsible for maintaining the facilities between the single point of demarcation and the affected subscribers' premises. Moosehaven stated that it will provide all necessary maintenance, upgrades, troubleshooting and repair to the telecommunications equipment between its single demarcation point and the Brandon Place residents' premises.

The precedent for this Commission to permit a local exchange company to provide service to a customer at a point of demarcation other than that specified in Rule 25-4.0345, F.A.C., has been previously established. In Docket No. 031114-TL, through Order No. PSC-04-0181-PAA-TL, issued February 23, 2004, this Commission found that AT&T Florida (f/k/a BellSouth) and the Department of the Navy met the burden "for good cause shown" as established by the rule and approved the request of AT&T Florida and the Navy to change the demarcation point established by Rule 25-4.0345(1)(b), F.A.C. In that docket, the property owner (the Navy) requested that a single demarcation point be established to service non-residential customers on the Mayport Naval Station in Jacksonville, Florida. Thereafter, the Navy solicited bids from competing service providers to install and maintain the outside plant facilities to non-residential areas and customers located within the Mayport Naval Station.

### **III. Decision**

Accordingly, we hereby approve the petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida to change the location of the demarcation point specified in Rule 25-

4.0345(1)(b), F.A.C., for the provision of residential basic local service to subscribers at Brandon Place, Orange Park, Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition by BellSouth Telecommunications, Inc. d/b/a AT&T Florida to change the location of the demarcation point specified in Rule 25-4.0345(1)(b), F.A.C., for the provision of residential basic local service to subscribers at Brandon Place, Orange Park, Florida be approved as set forth in the body of this order. It is further

ORDERED that the provisions of the Order, issued as a proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of October, 2009.



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ANN COLE  
Commission Clerk

(SEAL)

TJB

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 27, 2009.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.