

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed tariff filing by)	DOCKET NO. 890881-TL
UNITED TELEPHONE COMPANY OF FLORIDA)	
to provide cross-boundary telephone)	ORDER NO. 22555
service to three parties located)	
in other LECs' territory)	ISSUED: 2-15-90
_____)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- JOHN T. HERNDON

ORDER DENYING TARIFF PROPOSAL AND
AUTHORIZING ADMINISTRATIVE APPROVAL OF REFILED TARIFF

BY THE COMMISSION:

On June 12, 1989, United Telephone Company of Florida (United) filed a proposed tariff revision to reflect its current provision of cross-boundary telephone service to three customers who are physically located within the territory of other local exchange companies (LECs), but not near existing facilities of those LECs. At the time of this filing, we had several concerns about the appropriateness of these cross-boundary service arrangements. In response to our concerns, United waived the statutory tariff suspension deadline to allow our staff additional time to research the issues raised by this filing.

On January 27, 1989, Southern Bell Telephone and Telegraph Company (Southern Bell) requested United to provide service on an interim basis to Southern Bell's customer, Mrs. Drumm. United agreed to provide this service. The Drumm residence is located in Southern Bell's Vero Beach exchange, but Southern Bell's nearest facilities are approximately eight miles away. Southern Bell has estimated its cost to provide service to the Drumms at \$72,117.00. United's closest facilities are approximately 4,500 feet from the Drumm residence, and service was provided to the Drumms at a cost of \$5,232.71 to United. Southern Bell and United agreed that United would install the necessary equipment and Southern Bell would reimburse United

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for the actual cost of construction. United would retain ownership of the cable until Southern Bell begins providing service to the customer, at which time ownership of the cable would be transferred to Southern Bell. Southern Bell has stated that it plans to provide service in this area within two years.

Currently, Mrs. Drumm is being served out of United's Okeechobee exchange. The residential one-party basic local service rate is \$5.39 per month, with a local calling scope of 14,827 access lines, and no extended area service (EAS). If service was provided by Southern Bell from its Vero Beach exchange, the charge would be \$8.40 per month for residential one-party basic local service, with a local calling scope of 55,932 access lines, and EAS to the Sebastian exchange.

Additionally, United is providing cross-boundary service to two customers who are physically located within GTE Florida, Inc.'s (GTEFL's) territory. There is no written correspondence between United and GTEFL regarding this service exchange. However, one customer, Mr. Lozano, began receiving service from United on November 1, 1988, and the other customer, Mr. Vela, began receiving service from United on March 31, 1989. These two customers reside along the Osceola-Polk County Line Road, within GTEFL's Haines City exchange. GTEFL's nearest facilities are approximately two miles away, with an estimated cost of \$15,780.00 to GTEFL to provide service to these two customers. United ran a 900 foot aerial drop to these two customers, at a cost of \$250.00.

Presently, Mr. Lozano and Mr. Vela are being served out of United's West Kissimmee exchange. The residential one-party basic local service rate is \$6.76 per month, with a local calling scope of 51,214 access lines, and EAS to the Haines City, Kissimmee, Kenansville, Reedy Creek and St. Cloud exchanges. If service was provided by GTEFL from its Haines City exchange, the charge would be \$10.23 per month for residential one-party basic local service, with a local calling scope of 110,596 access lines, and EAS to the Kissimmee, Lake Wales, Poinciana and Winter Haven exchanges.

Initially, we note that it has been our policy to discourage cross-boundary service unless it is economically feasible and then, only to allow it for a predetermined length of time. While Southern Bell has stated that it plans to provide service to the Drumms' area within two years, GTEFL has

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only stated that it will reevaluate the area where the Lozanos and Velas live within the next two years. United's tariff, as filed, does not specify an ending date for cross-boundary service to these three customers.

We believe that the present arrangements for United to provide cross-boundary service to these three customers are reasonable and appropriate. The cost to provide interim service is low and the customer impact is minimal, except for the 911 conflict. Mrs. Drumm, whose husband is a medical patient, must tell the Okeechobee County 911 operator that she is physically located in Indian River County, and get her call transferred to the proper county, thereby incurring a long distance charge for this call. We do not believe such a charge is appropriate. We hereby direct United to provide 911 service to this customer without a toll charge and to report to our staff as to the means used to accomplish this. The situation is not the same for the Lozanos and Velas, as they have EAS to the county in which they are physically located. Even so, the 911 conflicts will continue for as long as these customers are provided telephone service out of another county. We do not believe it is in the public interest for such arrangements to continue indefinitely; therefore, we shall deny United's tariff, as filed. We find it in the public interest that these cross-boundary service arrangements shall continue only until Southern Bell and GTEFL have sufficient facilities in place to provide service to their respective customers, or for no longer than two years from the date of this Order. Additionally, United shall notify each of these customers, within thirty (30) days of the date of this Order, of the impending changes to their telephone service. Finally, since all three of these customers already have telephone service, they are not applicants, and Rule 25-4.067 Extension of Facilities - Contributions in Aid of Construction, does not apply.

Upon submission by United of a tariff meeting the above requirements, such tariff shall be approved administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed tariff revision (T-89-310) filed on June 12, 1989, by United Telephone Company of Florida, to provide cross-boundary service to three customers, is hereby denied for the reasons set forth in the body of this Order. It is further

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ORDERED that upon submission by United Telephone Company of Florida of a tariff meeting the requirements set forth herein, such tariff shall be approved administratively. It is further

ORDERED that United Telephone Company of Florida shall provide 911 service to its customer, Mrs. Drumm, without any toll charge and shall report to our staff on the means used to accomplish this. It is further

ORDERED that United Telephone Company of Florida shall provide notice to the three affected customers, in accordance with the terms set forth herein. It is further

ORDERED that the cross-boundary telephone service described herein shall continue for no more than two years from the date of this Order, subject further to the limitations set forth herein. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission,
this 15th day of FEBRUARY, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG

by: Kay Flynn

Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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.