

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of STS Certificate No. 1670, operating at 777 South Harbour Island Blvd., in Tampa, from AMERISYSTEMS PARTNERSHIP to FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900780-TS
In re: Application for transfer of STS Certificate No. 1669, operating at 4830 West Kennedy Blvd., in Tampa, from AMERISYSTEMS PARTNERSHIP to FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900781-TS
In re: Application for transfer of STS Certificate No. 1731, operating at 201 East Kennedy Blvd., in Tampa, from AMERISYSTEMS PARTNERSHIP to FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900782-TS
In re: Application for transfer of STS Certificate No. 1735, operating at 101 East Kennedy Blvd., in Tampa, from AMERISYSTEMS PARTNERSHIP to FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900783-TS
In re: Application for transfer of IXC Certificate No. 127 from AMERISYSTEMS PARTNERSHIP to FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900784-TI
In re: Application for authority to provide shared tenant service at Miami Center, 201 South Biscayne Boulevard in Miami, by FAIRCHILD COMMUNICATIONS SERVICES COMPANY)	DOCKET NO. 900937-TS
)	ORDER NO. 24002
)	ISSUED: 1/17/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
BETTY EASLEY
GERALD L. GUNTER
FRANK S. MESSERSMITH
MICHAEL MCK. WILSON

DOCUMENT NUMBER-DATE

00606 JAN 17 1991

PSC-RECORDS/REPORTING

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NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF STS AND IXC CERTIFICATES,
AND GRANTING STS CERTIFICATE

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. APPLICATIONS FOR TRANSFER OF SHARED TENANT SERVICE (STS)
CERTIFICATES

On September 24, 1990, FAIRCHILD COMMUNICATIONS SERVICES COMPANY (FAIRCHILD or the Company) and AMERISYSTEMS PARTNERSHIP (AMERISYSTEMS) applied jointly for authority to transfer STS Certificate Nos. 1670, 1669, 1731 and 1735 from AMERISYSTEMS to FAIRCHILD. The result of the transfers will be the acquisition and control of the facilities of AMERISYSTEMS by FAIRCHILD. This transfer will strengthen FAIRCHILD's market position and will promote the competitive provision of shared tenant service within Florida.

FAIRCHILD has not requested authority to modify the rates, charges or conditions of service. In order to ensure continuity of service to customers, FAIRCHILD has issued tariffs which keep in full force and affect all existing services and rates of AMERISYSTEMS. The effected customers have been notified of the change in ownership.

Even though Order No. 17111 and Order No. 17369, do not address the sale, transfer or assignment of STS Certificates, Chapter 364.345 (2)(a)(b), Florida Administrative Code, gives the Commission authority to approve the sale, assignment or transfer of a certificate if it is in the public interest to do so. After a review of the applications, we find the following:

1. Docket No. 900780-TS: the transfer of Certificate No. 1670 is in the public interest.

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2. Docket No. 900781-TS: the transfer of Certificate No. 1669 is in the public interest.
3. Docket No. 900782-TS: the transfer of Certificate No. 1731 is in the public interest.
4. Docket No. 900783-TS: the transfer of Certificate No. 1735 is in the public interest.

Approval of the transfer of STS Certificate Nos. 1670, 1669, 1731 and 1735 from AMERISYSTEMS to FAIRCHILD will be effective at the completion of the Proposed Agency Action protest period.

II. APPLICATION FOR TRANSFER OF INTEREXCHANGE CARRIER (IXC)
CERTIFICATE

On September 24, 1990, in Docket No. 900784-TI, FAIRCHILD and AMERISYSTEMS jointly applied for authority to transfer IXC Certificate No. 127 from AMERISYSTEMS to FAIRCHILD. The results of this transfer will be the acquisition and control of the facilities of AMERISYSTEMS by FAIRCHILD. This transfer will give FAIRCHILD a market position as a facility based carrier, and promote the competitive provision of long distance service in Florida.

Rule 25-24.473 (3), Florida Administrative Code, gives the Commission authority to approve the sale, assignment or transfer of a certificate if such approval is in the public interest. After a review of the application, the transfer of IXC Certificate No. 127 from AMERISYSTEMS to FAIRCHILD appears to be in the public interest. Approval of the transfer of IXC certificate No. 127 from AMERISYSTEMS to FAIRCHILD will be effective at the completion of the Proposed Agency Action protest period.

III. APPLICATION FOR NEW STS CERTIFICATE

On November 26, 1990, in Docket No. 900937-TS, FAIRCHILD, applied to this Commission for authority to provide shared tenant service at the following address:

201 South Biscayne Blvd.
Miami Center
Miami, Florida

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To comply with Chapter 25-24.490 (3), Florida Administrative Code, FAIRCHILD will not collect payments or deposits, for more than one month in advance, from its customers in Florida.

After a review of the FAIRCHILD application, we find that the Company appears to meet all applicable requirements to provide shared tenant telephone service in Florida. Therefore, we find that it is in the public interest to grant FAIRCHILD a Certificate of Public Convenience and Necessity to provide shared tenant service in Florida.

The certificate granted to FAIRCHILD will authorize it to provide shared tenant service at the address set forth above. The authority will be limited to the provision of shared tenant services to the commercial tenants in the building at the approved address. FAIRCHILD will be required to follow all requirements contained in Order No. 17111 and Order No. 17369, and to ensure that non-affiliated tenants within the building are not able to engage in telephone conversation with one another without first accessing the local exchange company.

The Dockets addressed in this Order will be closed following expiration of the protest period specified in this Order unless an appropriate petition for hearing, protesting a specific application, is filed by one whose substantial interests may or will be, affected by this Proposed Agency Action. Such a protest to any specific application will not prevent our Proposed Agency Action from becoming final as to any other application addressed in this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the applications filed by FAIRCHILD COMMUNICATIONS SERVICES COMPANY for the transfer of STS Certificate Nos. 1670, 1669, 1731 and 1735 from AMERISYSTEMS PARTNERSHIP TO FAIRCHILD COMMUNICATIONS SERVICES COMPANY is approved. It is further,

ORDERED that the transfer of IXC Certificate No. 127 from AMERISYSTEMS to FAIRCHILD is hereby approved. It is further,

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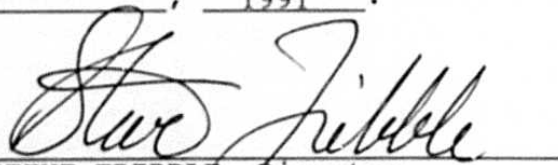
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ORDERED that FAIRCHILD is hereby granted the authority to provide shared tenant service at the location set forth in the body of this Order. It is further,

ORDERED that a petition protesting a specific application, filed by one whose substantial interests are affected, will not prevent the action proposed herein from becoming final as to other applications addressed in this Order. It is further,

ORDERED that these Dockets shall be closed if no protest is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this
17th day of JANUARY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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.

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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 7, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 of the effective date 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.