

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-14.011,)	DOCKET NO. 891169-PU
F.A.C, pertaining to processing ruling)	
requests to be filed with the Internal)	ORDER NO. 23986
Revenue Service.)	
_____)	ISSUED: 1/15/91

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-14.011, F.A.C., relating to procedures for processing ruling requests to be filed with the Internal Revenue Service with change.

The rule was filed with the Secretary of State on January 7, 1991 and will be effective on January 28, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
15th day of JANUARY, 1991.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

WEW

adp14011.cp

DOCUMENT NUMBER-DATE

00434 JAN 15 1991

FPSC-RECORDS/REPORTING

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CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by

DOCUMENT NUMBER-DATE

00248 JAN-8 1991

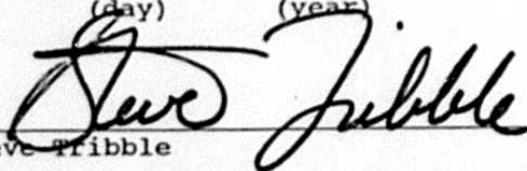
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the undersigned agency by and upon their filing with the
 Department of State.

<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented, Interpreted or Made Specific</u>
25-14.011	350.127(2)	364.03, 364.035, 364.055, 364.18, 364.183, 366.04, 366.041, 366.07, 366.071, 366.076, 366.093, 367.081, 367.082, 367.0822, 367.156

Under the provision of paragraph 120.54(12)(a), F.S., the
 rules take effect 20 days from the date filed with the Department
 of State or a later date as set out below:

Effective: _____
 (month) (day) (year)


 Steve Tribble

Director, Division of Records & Reporting
 Title

 Number of Pages Certified

(S E A L)

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1 25-14.011 Procedures for Processing Ruling Requests to be
2 Filed with the Internal Revenue Service.

3 (1) When a utility or regulated company is directed by this
4 Commission to file a ruling request with the Internal Revenue
5 Service, the utility or regulated company shall, when the Office
6 of Public Counsel has formally intervened in the proceeding:

7 (a) within 60 days of the date of receipt of the order
8 directing that a ruling request be filed, provide a draft copy of
9 the ruling request to both the Commission and the Office of
10 Public Counsel;

11 (b) within 90 days of the date of receipt of said order,
12 meet with the Commission Staff and the Office of Public Counsel
13 to finalize the ruling request for presentation to the Commission
14 for a determination that the Commission believes the request is
15 adequate and complete or to draft issues whereby unresolved
16 differences regarding adequacy and completeness of the ruling
17 request may be presented to the Commission for resolution;

18 (c) within 30 days of the date of receipt of the order
19 making a determination of adequacy and completeness of the ruling
20 request or resolving issues related to the ruling request, file
21 the ruling request with the Internal Revenue Service copying the
22 Commission and the Office of Public Counsel;

23 (d) notify and copy the Commission and the Office of Public
24 Counsel of any contact related to the ruling request between the
25 utility or regulated company, its representatives, or its

CODING: Words underlined are additions; words in
struck-through type are deletions from existing law.

1 affiliates and their representatives, and the Internal Revenue
2 Service;

3 (e) provide to the Commission and the Office of Public
4 Counsel copies of any additional information in relation to the
5 ruling request prior to its being provided to the Internal
6 Revenue Service;

7 (f) consult both the Commission Staff and the Office of
8 Public Counsel to attend and participate in said conference; and
9 allow both the Commission and the Office of Public Counsel the
10 opportunity to make separate subsequent submissions related to
11 the ruling request.

12 (2) The utility, Commission Staff, and the Office of Public
13 Counsel shall use their best efforts to have the request for
14 ruling promptly considered by the Commission on a timely basis
15 and without unnecessary delay. Except for a good cause, the
16 Commission shall make a determination as to the adequacy and
17 completeness of a ruling request within 160 days of directing the
18 utility or regulated company to file the request under subsection
19 (1).

20 (3) When the Office of Public Counsel has not formally
21 intervened in the proceeding, the utility or regulated company
22 shall not be required to notify, consult with, or provide copies
23 of the documents described in subsections (1) and (3) to the
24 Office of Public Counsel.

25 (4) When a utility or regulated company shall file any

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1 ruling request with the Internal Revenue Service related to a
2 normalization issue under section 46(f), 167(1), or 168 or to
3 sections 118 and 468 of the Internal Revenue Code, the utility or
4 regulated company shall:

5 (a) provide its proposed ruling request to the Commission
6 for determination as to completeness and adequacy in accordance
7 with Internal Revenue Service rules;

8 (b) provide a copy of the ruling request to the Commission
9 when it is filed with the Internal Revenue Service;

10 (c) notify and copy the Commission of any contact related t
11 the ruling request between the utility or regulated company, its
12 representative, its affiliates and their representatives, and the
13 Internal Revenue Service;

14 (d) provide to the Commission copies of any additional
15 information in relation to the ruling request prior to its being
16 provided to the Internal Revenue Service;

17 (e) when so ordered by the Commission, consult the
18 Commission Staff prior to scheduling any conference between the
19 utility or regulated company and its representatives and the
20 Internal Revenue Service when said conference is related to the
21 ruling request; permit the Commission Staff to attend and
22 participate in said conference; and allow the Commission to
23 participate in any subsequent submissions or procedural matters
24 related to the ruling request.

25 (5) Draft ruling requests shall be submitted in writing

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1 and, when required by staff, on a 3 1/2" or 5 1/4" diskette with
2 the format in which it was saved, i.e., MultiMate, DisplayWrite,
3 WordPerfect, OfficeWriter, Wang PC, WordStar, MS Word, PFS; Write,
4 or ASC II. The transmittal memorandum accompanying the draft
5 ruling request shall provide, when applicable, an electronic mail
6 or telecopier number.

7 (6) The requirements in subsections (1)(d) through (f) and
8 (4)(c) through (e) shall be reciprocal in that they shall apply
9 to the Commission Staff and the Office of Public Counsel as well
10 as to the utilities.

11 Specific Authority: 350.127(2), F.S.

12 Law Implemented: 364.03, 364.035, 364.055, 364.18, 364.183,
13 366.04, 366.041, 366.07, 366.071, 366.076, 366.093, 367.081,
14 367.082, 367.0822, and 367.156, F.S.

15 History: New

16 14011.cp
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Rule 25-14.011
Docket No. 891169-PU

SUMMARY OF RULE

The rule will require utilities to provide a draft copy of an IRS ruling request to the Commission and to the Office of Public Counsel (OPC) within 60 days of receiving an order to do so by the Commission. Within 90 days of receiving the order, the utility will have to meet with the Commission staff and OPC to finalize the ruling request for presentation to the Commission for approval. Within 30 days of receiving the order approving the ruling request, the utility will have to file it with the IRS and provide copies to the Commission and OPC. The utility will also have to notify or consult with Commission staff and OPC regarding contacts or conferences with the IRS and provide copies of any additional information submitted to the IRS regarding the ruling request. If there is a conference with the IRS, the Commission and OPC will be authorized to attend and participate. The notification requirement regarding contacts with the IRS will be reciprocal.

The rule designates a 160 day time limit from the day the Commission directs the utility to file the request until the Commission makes a determination of the adequacy and completeness of the request. Good cause is an exception to this time limit. In any event, the utility, Commission staff, and OPC shall use their best efforts to have the request promptly considered by the Commission.

If OPC has not formally intervened in the proceeding, then

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the utility will not have to copy, notify, or consult with OPC. When a utility files any ruling request regarding investment credit, depreciation allowance, accelerated cost recovery, taxability of CIAC, or nuclear decommissioning, it shall first submit its proposed ruling to the Commission for determination as to completeness and adequacy. When the ruling request is filed, the utility shall provide a copy to the Commission. The utility will also notify the Commission of any contacts with the IRS and provide copies of additional information as discussed above. When ordered by the Commission, the utility will consult with Commission staff prior to scheduling any conference with the IRS and allow Commission staff to participate in same.

Finally, the rule provides for the electronic filing and storage of ruling requests.

SUMMARY OF HEARINGS ON THE RULE

On April 13, 1990, Southern Bell Telephone and Telegraph Company submitted a Request for Hearing and Comments regarding proposed Rule 25-14.111, F.A.C., pertaining to procedures for processing ruling requests to be filed with the Internal Revenue Service. Southern Bell believed the rule should be amended to reflect more accurately the requirements of the IRS, to eliminate a time gap between the date the parties are required to meet and the issuance of the Commission's order, and to revise ambiguous and unclear language.

The Commission's attorney (Bill Bakstran) and Southern Bell's attorney (Barlow Keener) subsequently worked out revisions to the rule. Once the rule language was revised to the

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satisfaction of all parties involved a public hearing was held on the rule. At that December 18, 1991 final agenda conference the Commission adopted the rule with the changes.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

On occasion, the Commission orders a regulated utility to file a ruling request with the Internal Revenue Service (IRS) regarding some aspect of the utility's tax liability such as deferred taxes, investment tax credits, depreciation, etc. The ruling from the IRS helps the Commission staff determine whether the utility's tax expense is appropriate and whether a proposed treatment of that expense is proper.

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STATEMENT OF CHANGES

The following changes have been made to proposed Rule 25-14.011, F.A.C.:

In paragraph (b) and (e) of subsection (1), the words "approval" and "approving" have been replaced with words specifying that the Commission will determine the "adequacy and completeness of ruling requests."

In paragraph (f) of subsection 1, the words "participate in any" have been replaced with "the opportunity" to "make separate", and the words "or procedural matters" have been eliminated.

Subsection (2) is new and causes the remaining sections to be renumbered.

Subsection (6) has been modified to reflect the additional sections to which reciprocal obligations apply, and words have been added to clarify what is meant by reciprocal.

Attached is a copy of the rule in legislative format showing the changes from the proposed rule as "type and strike." Unchanged sections and subsections have been replaced with the words "no change."

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FLORIDA PUBLIC SERVICE COMMISSION

Division of Appeals

NOTICE OF CHANGES

TITLE: Procedures for Processing Ruling RULE: 25-14.011

Requests to be filed with the

Internal Revenue Service

DOCKET NO.: 891169-PU

ORIGINAL NOTICE PUBLISHED: March 15, 1990

Pursuant to Section 120.54(13)(b), Florida Statutes, notice is given that the above rule filed with the Secretary of State on January 7, 1991, contained the following changes from the rule as proposed:

25-14.011 Procedures for Processing Ruling Requests to be Filed with the Internal Revenue Service.

(1) No Change

(a) No Change

(b) within 90 days of the date of receipt of said order, meet with the Commission Staff and the Office of Public Counsel to finalize the ruling request for presentation to the Commission for a determination that the Commission believes the request is adequate and complete [approval] or to draft issues whereby unresolved differences regarding adequacy and completeness of [related to] the ruling request may be presented to the Commission for resolution;

(c) within 30 days of the date of receipt of the order making a determination of adequacy and completeness of [approving] the ruling request or resolving issues related to the ruling

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request, file the ruling request with the Internal Revenue Service copying the Commission and the Office of Public Counsel;

(d) No Change

(e) No Change

(f) consult both the Commission Staff and the Office of Public Counsel to attend and participate in said conference; and allow both the Commission and the Office of Public Counsel the opportunity to [participate in any] make separate subsequent submissions [or procedural matters] related to the ruling request.

(2) The utility, Commission Staff, and the Office of Public Counsel shall use their best efforts to have the request for ruling promptly considered by the Commission on a timely basis and without unnecessary delay. Except for a good cause, the Commission shall make a determination as to the adequacy and completeness of a ruling request within 160 days of directing the utility or regulated company to file the request under subsection (1).

(3) [(2)] When the Office of Public Counsel has not formally intervened in the proceeding, the utility or regulated company shall not be required to notify, consult with, or provide copies of the documents described in subsections (1) and (3) to the Office of Public Counsel.

(4) [(3)] When a utility or regulated company shall file any ruling request with the Internal Revenue Service related to a normalization issue under section 46(f), 167(1), or 168 or to sections 118 and 468 of the Internal Revenue Code, the utility or

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regulated company shall:

- (a) No Change
- (b) No Change
- (c) No Change
- (d) No Change
- (e) No Change

(5) [(4)] Draft ruling requests shall be submitted in writing and, when required by staff, on a 3 1/2" or 5 1/4" diskette with the format in which it was saved, i.e., MultiMate, DisplayWrite, WordPerfect, OfficeWriter, Wang PC, WordStar, MS Word, PFS; Write, or ASC II. The transmittal memorandum accompanying the draft ruling request shall provide, when applicable, an electronic mail or telecopier number.

(6) [(5)] The [notification] requirements in subsections (1)(d) through (f) and (4)[(3)](c) through (e) shall be reciprocal in that they shall apply to the Commission Staff and the Office of Public Counsel as well as to the utilities.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.03, 364.035, 364.055, 364.18, 364.183, 366.04, 366.041, 366.07, 366.071, 366.076, 366.093, 367.081, 367.082, 367.0822, and 367.156, F.S.

History: New

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CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

(1) That paragraph (2) incorporates Form PSC/CMU 36 (4/90) into Rule 25-24.557 by reference.

(2) That Form PSC/CMU 36 (4/90) consists of an application form for authority to provide major shared tenant service.



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

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**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION
101 E. Gaines Street
Fletcher Building
Tallahassee, Florida 32399-0866

APPLICATION FORM

FOR

AUTHORITY TO PROVIDE SHARED TENANT SERVICE

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:
- Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280
- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:

Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

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1. This is an application for (check one):
 - () Original Authority (New company).
 - () Approval of Sale/Transfer (To another certificated company).
 - () Approval of Assignment of existing certificate (To a noncertificated company).
2. The legal name of the applicant:
3. Name under which the applicant will do business:
 - (a) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.
4. Address of the building to be served (include street name and number, city, state and zip code).
5. Address of the applicant (include street name and number, suite number, P.O. box, city, state and zip code). If mailing address differs from above, provide that also.
6. Who is to serve as liaison with the Commission in regard to (please give name, title, address and telephone number):
 - (a) The application:
 - (b) Official Point of Contact for the ongoing operations of the company:
 - (c) Tariff:

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(d) Complaints/Inquiries from customers:

7. Structure of organization; () Individual
() Corporation
() Foreign Corporation
() Foreign Partnership
() General Partnership
() Limited Partnership
() Other. _____
8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.
- a) Provide proof of compliance with the foreign partnership statute (Chapter 620.169 FS), if applicable.
9. If incorporated, give name, titles and addresses of the directors, chief officers and ten largest stockholders.
10. If incorporated, please give:
(a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.
(b) Name and address of the company's Florida registered agent.
11. Provide information as to whether any of the officers or directors have been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.
12. Indicate if any of the officers, directors, partners or stockholders have previously been and/or currently are an officer, director, partner or stockholder in any other Florida certificated telephone company.
- (a) If yes, give name of company and relationship.

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- (b) If no longer associated with company, give reason why not.
13. Who will receive the bills for your service?
() Business customers for use at their business.
() Other: (specify) _____.
14. Who will send the bill for your services?
Provide name and address.
15. When billed party receives bill for your services, will the name of your company appear on the bill (provide copy of bill)?
If not, explain why?
16. Who will the billed party contact to ask questions about the bill (Provide name and phone number). How will he be informed of this?
17. What effect will your company's operation have on the quality of service available from alternate suppliers?
18. What effect will your company's operation have on telephone service rates charged to customer's of other companies?
19. Please submit the proposed tariff under which the company plans to begin operation. Use the format enclosed.
20. List other states in which you provide stated tenant service?

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21. Of that list, which states have regulatory requirements for certification?

22. Have you ever received BI or RI STS access service from a Florida LEC?

If yes, who and when?

23. Have you ever been denied a certificate or been required to show cause or been penalized in another state?

If yes, give details.

24. What type of PBX serves your building?

25. How many trunks go into your PBX for the single building?

26. When did you start providing services as a shared tenant provider?

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I UNDERSTAND THAT I AM REQUIRED TO PAY REGULATORY ASSESSMENT FEE (MINIMUM \$25.00 PER CALENDAR YEAR) AND GROSS RECEIPTS TAX. FURTHERMORE, I AGREE TO KEEP THE COMMISSION ADVISED OF ANY CHANGES IN THE ITEMS LISTED IN THIS APPLICATION.

Date: _____

I, _____
attest to the accuracy of the information contained in this application (including Attachments) and will comply with all current and future Commission requirements regarding interexchange telephone service.

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** APPENDIX A **

TO BE COMPLETED ONLY IF CERTIFICATE IS TO BE
TRANSFERRED
ASSIGNED OR SOLD.

I, _____, of

(Certificate Holder)

have reviewed this application and join in the petitioner's request.

(Signature of Owner/Chief Officer of Certificate holder)

(Date)

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**** APPENDIX B ****

CUSTOMER DEPOSITS and ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- () a. The applicant will not collect deposits nor will it collect payments for service more than one month in advance.
- () b. The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

(Signature of Owner/Chief Officer of Applicant)

(Date)

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Shared Tenant Service in Florida.

Signature: _____

Title : _____

Date : _____

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**** Appendix C ****

CURRENT FLORIDA INTRASTATE SERVICES

Applicant has () / has not () previously provided shared tenant services in Florida.

If the answer above is has, fully describe the following:

(a) What services have been provided? _____

(b) When did these services begin? _____

(c) If not currently offered, when was it discontinued? _____

DATE: _____

NAME: _____

SIGNATURE: _____

APPLICANT: _____

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**** APPENDIX D ****

SUMMARY OF SHARED TENANT SERVICE APPLICATION

1. Principal U.S. Office: _____

2. Principal Florida Office: _____

3. Contact Person (Name) _____
(Address) _____
(City) _____
(Phone) _____

4. Nonrecurring Charges: _____

5. Rate Offering: _____

6. Deposit Practices: _____

7. Service Location:(List the address of where you intend to do business)

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** GLOSSARY **

1. "Access Code." The term denotes a uniform four or seven digit code assigned by a company to an individual IXC. The five digit code has the form 10XXX and the seven digit code has the form 950-10XX.
2. "ATTIX." The term denotes the interexchange carrier of American Telephone and Telegraph Company (AT&T).
3. "Carriers Carrier." An IXC that provides telecommunications service, mainly bulk transmission service, to other IXC only.
4. "Central Office." A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NXX) used shall be considered a separate central office unit.
5. "Central Office Code." The term denotes the first three digits (NXX) of the seven (7) digit telephone number assigned to a customer's telephone exchange service.
6. "Commission." The Florida Public Service Commission.
7. "Company" "Telephone Company" "Utility." These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.
8. "Dedicated Facility." The term denotes a transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.
9. "End User." The term denotes any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (B) subscribes to interstate services provided by an IXC or uses the services of the IXC when the IXC provides interstate service for its own use.
10. "Equal Access Exchange Areas." EAEA means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.
11. "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

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12. "Exchange (Service) Area." The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.
13. "Extended Area Service." A type of telephone service furnished under tariff provision whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.
14. "Facilities Based." An IXC that has its own transmission and/or switching equipment or other elements of equipment and does not rely on others to provide this service.
15. "Foreign Exchange Services." A classification of exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.
16. "Feature Groups." General categories of unbundled tariffs to stipulate related services.
 - Feature Group A: Line side connections presently serving specialized common carriers.
 - Feature Group B: Trunk side connections without equal digit or code dialing.
 - Feature Group C: Trunk side connections presently serving AT&T-C
 - Feature Group D: Equal trunk access with subscription.
17. "Interexchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.
18. "Inter-office Call." A telephone call originating in one central office unit or entity but terminating in another central office unit or entity both of which are in the same designated exchange area.
19. "Intra-office Call." A telephone call originating and terminating within the same central office unit or entity.
20. "Intrastate Communications." The term denotes any communications in Florida subject to oversight by the Florida Public Service Commission as provided by the laws of the State.
21. "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

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22. "Local Access and Transport Area." LATA means the geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.
23. "Local Exchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.
24. "900 Service." A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.
25. "Pin Number." A group of numbers used by a company to identify their customers.
26. "Pay Telephone Service Company." means any telephone company, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.
27. "Primary Service." Individual line service or party line service.
28. "Reseller." An IXC that does not have any facilities but purchases telecommunications service from an IXC and then resells that service to others.
29. "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.
30. "Subscriber" "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.
31. "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.
32. "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.
33. "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.
34. "Trunk." A communication channel between central office units or entities, or private branch exchanges.

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F.P.S.C. STS TARIFF NO. _____

3

(STS Provider's Name)

PAGE NO. 1

(Building Name and Address)

REVISION NO. _____

(Certificate Number)

LOCAL EXCHANGE SERVICE TARIFF

I hereby certify _____
(STS Provider's Name)

is charging the following monthly rates for local exchange service only:

Per Access Line*	_____
Discounts (If Applicable)	_____
Other (Specify)	_____
Direct-Inward-Dialing Number	_____
LEC Directory Listing	_____

* If you charge differing rates for different tenants, this information should be provided. Separate each rate by a comma. If additional space is required, use Page No. 2,3, etc.

All subsequent changes will be filed with the Florida Public Service Commission, Communications Division, 101 E. Gaines Street, Tallahassee, FL, 32399-0866, at least 30 days prior to changes becoming effective.

BY: _____
(Officer or Partner)

EFFECTIVE: _____
(Date)

(STS Provider's Name)

(Address)

(Telephone Number)

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CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

(1) That paragraph (2) incorporates Form PSC/CMU 36 (4/90) into Rule 25-24.567 by reference.

(2) That Form PSC/CMU 36 (4/90) consists of an application form for authority to provide major shared tenant service.



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

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** FLORIDA PUBLIC SERVICE COMMISSION **

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION
101 E. Gaines Street
Fletcher Building
Tallahassee, Florida 32399-0866

APPLICATION FORM

FOR

AUTHORITY TO PROVIDE SHARED TENANT SERVICE

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280

- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:

Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

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1. This is an application for (check one):
 - () Original Authority (New company).
 - () Approval of Sale/Transfer (To another certificated company).
 - () Approval of Assignment of existing certificate (To a noncertificated company).
2. The legal name of the applicant:
3. Name under which the applicant will do business:
 - (a) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.
4. Address of the building to be served (include street name and number, city, state and zip code).
5. Address of the applicant (include street name and number, suite number, P.O. box, city, state and zip code). If mailing address differs from above, provide that also.
6. Who is to serve as liaison with the Commission in regard to (please give name, title, address and telephone number):
 - (a) The application:
 - (b) Official Point of Contact for the ongoing operations of the company:
 - (c) Tariff:

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(d) Complaints/Inquiries from customers:

7. Structure of organization; () Individual
() Corporation
() Foreign Corporation
() Foreign Partnership
() General Partnership
() Limited Partnership
() Other, _____
8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.
- a) Provide proof of compliance with the foreign partnership statute (Chapter 620.169 FS), if applicable.
9. If incorporated, give name, titles and addresses of the directors, chief officers and ten largest stockholders.
10. If incorporated, please give:
(a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.
(b) Name and address of the company's Florida registered agent.
11. Provide information as to whether any of the officers or directors have been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.
12. Indicate if any of the officers, directors, partners or stockholders have previously been and/or currently are an officer, director, partner or stockholder in any other Florida certificated telephone company.
- (a) If yes, give name of company and relationship.

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- (b) If no longer associated with company, give reason why not.
13. Who will receive the bills for your service?
() Business customers for use at their business.
() Other: (specify) _____.
14. Who will send the bill for your services?
Provide name and address.
15. When billed party receives bill for your services, will the name of your company appear on the bill (provide copy of bill)?
If not, explain why?
16. Who will the billed party contact to ask questions about the bill (Provide name and phone number). How will he be informed of this?
17. What effect will your company's operation have on the quality of service available from alternate suppliers?
18. What effect will your company's operation have on telephone service rates charged to customer's of other companies?
19. Please submit the proposed tariff under which the company plans to begin operation. Use the format enclosed.
20. List other states in which you provide stated tenant service?

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21. Of that list, which states have regulatory requirements for certification?
22. Have you ever received B1 or R1 STS access service from a Florida LEC?
If yes, who and when?
23. Have you ever been denied a certificate or been required to show cause or been penalized in another state?
If yes, give details.
24. What type of PBX serves your building?
25. How many trunks go into your PBX for the single building?
26. When did you start providing services as a shared tenant provider?

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I UNDERSTAND THAT I AM REQUIRED TO PAY REGULATORY ASSESSMENT FEE (MINIMUM \$25.00 PER CALENDAR YEAR) AND GROSS RECEIPTS TAX. FURTHERMORE, I AGREE TO KEEP THE COMMISSION ADVISED OF ANY CHANGES IN THE ITEMS LISTED IN THIS APPLICATION.

Date: _____

I, _____
attest to the accuracy of the information contained in this application (including Attachments) and will comply with all current and future Commission requirements regarding interexchange telephone service.

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** APPENDIX A **

TO BE COMPLETED ONLY IF CERTIFICATE IS TO BE
TRANSFERRED
ASSIGNED OR SOLD.

I, _____, _____ of

(Certificate Holder)

have reviewed this application and join in the petitioner's request.

(Signature of Owner/Chief Officer of Certificate holder)

(Date)

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**** APPENDIX B ****

CUSTOMER DEPOSITS and ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- () a. The applicant will not collect deposits nor will it collect payments for service more than one month in advance.
- () b. The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

(Signature of Owner/Chief Officer of Applicant)

(Date)

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Shared Tenant Service in Florida.

Signature: _____

Title : _____

Date : _____

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**** Appendix C ****

CURRENT FLORIDA INTRASTATE SERVICES

Applicant has () / has not () previously provided shared tenant services in Florida.

If the answer above is has, fully describe the following:

(a) What services have been provided? _____

(b) When did these services begin? _____

(c) If not currently offered, when was it discontinued? _____

DATE: _____

NAME: _____

SIGNATURE: _____

APPLICANT: _____

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**** APPENDIX D ****

SUMMARY OF SHARED TENANT SERVICE APPLICATION

1. Principal U.S. Office: _____

2. Principal Florida Office: _____

3. Contact Person (Name) _____
(Address) _____
(City) _____
(Phone) _____

4. Nonrecurring Charges: _____

5. Rate Offering: _____

6. Deposit Practices: _____

7. Service Location:(List the address of where you intend to do business)

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** GLOSSARY **

1. "Access Code." The term denotes a uniform four or seven digit code assigned by a company to an individual IXC. The five digit code has the form 10XXX and the seven digit code has the form 950-10XX.
2. "ATTIX." The term denotes the interexchange carrier of American Telephone and Telegraph Company (AT&T).
3. "Carriers Carrier." An IXC that provides telecommunications service, mainly bulk transmission service, to other IXC only.
4. "Central Office." A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NXX) used shall be considered a separate central office unit.
5. "Central Office Code." The term denotes the first three digits (NXX) of the seven (7) digit telephone number assigned to a customer's telephone exchange service.
6. "Commission." The Florida Public Service Commission.
7. "Company" "Telephone Company" "Utility." These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.
8. "Dedicated Facility." The term denotes a transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.
9. "End User." The term denotes any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (B) subscribes to interstate services provided by an IXC or uses the services of the IXC when the IXC provides interstate service for its own use.
10. "Equal Access Exchange Areas." EAEA means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.
11. "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

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12. "Exchange (Service) Area." The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.
13. "Extended Area Service." A type of telephone service furnished under tariff provision whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.
14. "Facilities Based." An IXC that has its own transmission and/or switching equipment or other elements of equipment and does not rely on others to provide this service.
15. "Foreign Exchange Services." A classification of exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.
16. "Feature Groups." General categories of unbundled tariffs to stipulate related services.
 - Feature Group A: Line side connections presently serving specialized common carriers.
 - Feature Group B: Trunk side connections without equal digit or code dialing.
 - Feature Group C: Trunk side connections presently serving AT&T-C
 - Feature Group D: Equal trunk access with subscription.
17. "Interexchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.
18. "Inter-office Call." A telephone call originating in one central office unit or entity but terminating in another central office unit or entity both of which are in the same designated exchange area.
19. "Intra-office Call." A telephone call originating and terminating within the same central office unit or entity.
20. "Intrastate Communications." The term denotes any communications in Florida subject to oversight by the Florida Public Service Commission as provided by the laws of the State.
21. "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

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22. "Local Access and Transport Area." LATA means the geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.
23. "Local Exchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.
24. "900 Service." A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.
25. "Pin Number." A group of numbers used by a company to identify their customers.
26. "Pay Telephone Service Company." means any telephone company, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.
27. "Primary Service." Individual line service or party line service.
28. "Reseller." An IXC that does not have any facilities but purchases telecommunications service from an IXC and then resells that service to others.
29. "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.
30. "Subscriber" "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.
31. "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.
32. "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.
33. "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.
34. "Trunk." A communication channel between central office units or entities, or private branch exchanges.

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3

(STS Provider's Name)

(Building Name and Address)

(Certificate Number)

F.P.S.C. STS TARIFF NO. _____
PAGE NO. 1
REVISION NO. _____

LOCAL EXCHANGE SERVICE TARIFF

I hereby certify _____
(STS Provider's Name)

is charging the following monthly rates for local exchange service only:

Per Access Line* _____
Discounts (If Applicable) _____
Other (Specify) _____
Direct-Inward-Dialing Number _____
LEC Directory Listing _____

* If you charge differing rates for different tenants, this information should be provided. Separate each rate by a comma. If additional space is required, use Page No. 2,3, etc.

All subsequent changes will be filed with the Florida Public Service Commission, Communications Division, 101 E. Gaines Street, Tallahassee, FL, 32399-0866, at least 30 days prior to changes becoming effective.

BY: _____
(Officer or Partner)

(STS Provider's Name)

(Address)

(Telephone Number)

EFFECTIVE: _____
(Date)

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CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

(1) That paragraph (11) incorporates Form PSC/CMU 37 (4/90) into Rule 25-24.567 by reference.

(2) That Form PSC/CMU 37 (4/90) consists of an application form for authority to provide minor shared tenant service



Steve Fribble

Steve Fribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

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FLORIDA PUBLIC SERVICE COMMISSION
APPLICATION FORM
FOR
AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICE
WITHIN THE STATE OF FLORIDA
INSTRUCTIONS

- A. This three page form is used both for an original application for a certificate and for an application for approval of transfer of majority organization control. Each applicant should complete the part applicable to their request.
- B. Respond to each item requested below. If an item is not applicable, explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:
- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280

Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

0250C

FORM PSC/CMU 37

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FLORIDA PUBLIC SERVICE COMMISSION
 APPLICATION FOR AUTHORITY TO PROVIDE SHARED TENANT SERVICE
 RESALE OF LOCAL TELEPHONE SERVICE ON A KEY SYSTEM
 WITH SIX OR FEWER ACCESS LINES

Name of Provider _____ Telephone No. () _____

Address of Provider* _____
 (Street) (City) (State) (Zip)

Address of Building being served by Key System _____
 (Street)

 (City) (State) (Zip)

Type of Key Equipment _____

Number of current local access lines installed _____**

How will you protect the security of the customer's deposits and advance payments? (Please check one)

- ___ a. I will not collect deposits nor will I collect payments for service more than one month in advance.
- ___ b. I will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month.

I, _____, _____ attest to
 (Name) (Title)

the fact that I will comply with the current Commission requirements regarding the provision of local telephone service using a key system with six or fewer lines, and I will abide with all of the Commission requirements. I understand that I must apply for a separate IXC (Interexchange Carrier) certificate if I resell long distance service to my clients.

 (Signature of Owner/Chief Office of Provider)

 (Date)

* Certificate will be sent to this address unless otherwise requested in writing.

** If more than six lines, or if service is through a PBX, please request a long application form required by Commission Orders 18325 and 17111.

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REQUIREMENTS FOR PROVISIONS OF STS ON A KEY SYSTEM
WITH SIX OR FEWER ACCESS LINES

The following regulations and limitations will apply to all providers of Shared Tenant Services (STS) who have six or fewer key system lines.

1. Certification by the Florida Public Service Commission (FPSC) is required to operate as a Shared Tenant Provider.
2. Service shall be limited to commercial tenants in a single building, i.e., one structure under one roof.
3. Each STS provider must inform its subscribers of all its rates and charges as well as its quality of service standards.
4. No STS provider shall interfere with the rights of its tenant to obtain service directly from the local exchange company (LEC).
5. Each STS provider who provides access to interexchange companies shall permit unrestricted access to all locally available interexchange telephone companies.
6. Each STS provider must allow access to LEC operators for emergencies.
7. Each STS provider must allow access to 911 service if available.
8. Each STS provider shall not engage in facilities bypass nor shall it allow intercommunication among unaffiliated entities.
9. Each STS provider must file a regulatory assessment fee revenue report twice a year and pay a regulatory assessment fee.
10. Each STS provider must file gross receipts tax reports with the Florida Department of Revenue and pay a gross receipts tax.
11. Each STS provider must inform all tenants that the FPSC does not set the rates they pay to the STS provider for local service and that the Commission does not regulate the quality of service provided by the STS provider.
12. The STS provider is responsible for informing the FPSC and local exchange telephone company if and when more than six lines are used on a shared basis.

0250C