

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of EXECUTIVE)	DOCKET NO. 871385-TP
SUITES OF FORT LAUDERDALE for author-)	
ity to provide interexchange telecommu-)	ORDER NO. 20798
nication service as a reseller and to)	
provide shared tenant services to 1415)	ISSUED: 2-23-89
East Sunrise Blvd., Ft. Lauderdale.)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 JOHN T. HERNDON

ORDER FINING EXECUTIVE SUITES OF FT. LAUDERDALE

BY THE COMMISSION:

By Order No. 20116, issued October 5, 1988, this Commission ordered Executive Suites of Fort Lauderdale (Executive Suites or the Company) to show cause in writing within twenty days why it should not be fined \$10,000 for its failure to obtain a certificate before providing interexchange (IXC) telecommunications services. That Order also required Executive Suites to show cause why it should not be fined \$1,000 for its failure to obtain a certificate prior to providing shared tenant services (STS), pursuant to Order No. 17111.

On October 26, 1988, Executive Suites faxed a response to Order No. 20116 to the Commission, followed by a hard copy filed with the Division of Records and Reporting the following day. Faxing a copy of a response does not constitute filing a response with this Commission. However, because counsel for Executive Suites explained, at our January 31 Agenda Conference, that the Company believed it had obtained permission to do so, we will consider its late response. In its response, the Company states that it relied on advice it received from the local exchange company in determining that it did not have to obtain IXC and STS certificates prior to providing those services to its tenants. As soon as it became aware of these requirements, the Company stated, it filed the required applications. Executive Suites did not intend to illegally operate as a provider of IXC or STS services.

Upon consideration of the foregoing, we find it appropriate to fine Executive Suites of Ft. Lauderdale \$250.00 for its failure to obtain an IXC certificate prior to providing IXC services and \$250.00 for its failure to obtain an STS certificate prior to providing STS services. This docket shall not be closed until we receive the fine amounts from the Company.

Based on the foregoing, it is therefore,

DOCUMENT NUMBER-DATE
 02046 FEB 23 1989
 FPSC-RECORDS/REPORTING

ORDER NO. 20798
 DOCKET NO. 871385-TP
 PAGE 2

ORDERED by the Florida Public Service Commission that Executive Suites of Ft. Lauderdale is hereby fined \$250.00 for its failure to obtain an IXC certificate prior to providing IXC services and \$250.00 for its failure to obtain an STS certificate prior to providing STS services. It is further

ORDERED that this docket shall remain open until we receive the fine amounts. At that time, this docket may be closed administratively.

By ORDER of the Florida Public Service Commission
 this 23rd day of FEBRUARY, 1989.

STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

SFS

by: Kay Flynn
 Chief, Bureau of Records

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.