

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for experimental ) DOCKET NO. 950679-TS  
residential shared tenant )  
service by Integroup, Inc. )  
\_\_\_\_\_)  
In Re: Request for experimental ) DOCKET NO. 950895-TS  
residential shared tenant ) ORDER NO. PSC-95-1125-FOF-TS  
services by Hediger Enterprises, ) ISSUED: September 6, 1995  
Inc. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER ACKNOWLEDGING WITHDRAWAL OF REQUEST  
TO PROVIDE EXPERIMENTAL MULTI-RESIDENTIAL  
SHARED TENANT SERVICES

AND

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING REQUEST TO PROVIDE  
EXPERIMENTAL MULTI-FAMILY  
RESIDENTIAL SHARED TENANT SERVICES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed below, other than acknowledging Integroup, Inc.'s withdrawal of its request to provide experimental multi-residential shared tenant services, 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.

By letter dated June 6, 1995, Strategic Planning Group, Inc. (SPG), on behalf of Integroup, Inc., proposed to provide multi-residential shared tenant services (MSTS) on an experimental basis, pursuant to Section 364.057(3), Florida Statutes. By letter dated July 31, 1995, Integroup, Inc., withdrew its proposal. We,

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therefore, acknowledge Integroup, Inc.'s proposal to provide multi-residential shared tenant services.

By letter dated July, 21, 1995, SPG again proposed to provide MSTs on an experimental basis, this time on behalf of Hediger Enterprises, Inc. (HEI). HEI proposes to purchase flat-rate, switched service from the local exchange company (LEC) or an alternative local exchange company (ALEC), for resale to its residents. HEI also proposes to negotiate long distance rates, which would be offered to residents at the time of signing the lease. All local services, such as 911, handicap, call waiting and other vertical services, would be provided by the LEC or the ALEC, as the case may be. HEI would assume the billing and collection functions, as well as the financial responsibility.

Since ALECs cannot begin providing local service until January 1, 1996, HEI's only option, at present, is to purchase flat-rate, switched service for resale from BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell). However, Southern Bell has not volunteered to provide flat-rate local residential lines for resale. Moreover, LECs can not be required to resell flat-rated, switched service until they are "permitted to provide inter-LATA services and video programming, but in no event before July 1, 1997." Section 364.161(2), Florida Statutes.

Since Southern Bell is not interested in reselling flat-rate residential service and cannot be required to do so at this time, HEI is not able to provide service as proposed. Its proposal to provide MSTs is, therefore, denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket No. 950679-TS is closed. It is further

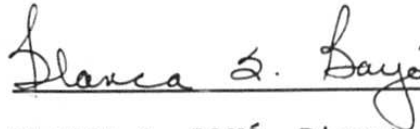
ORDERED that the remaining provisions of this Order are issued as proposed agency action, but shall become final and effective unless a person whose interests are substantially affected files a petition, in the form and by the date specified in the Notice of Further Proceedings or Judicial Review. It is further

ORDERED that the proposal by Strategic Planning Group, Inc., on behalf of Hediger Enterprises, Inc., to provide multi-residential shared tenant services pursuant to Section 364.057, Florida Statutes, is denied as set forth in the body of this Order. It is further

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ORDERED that in the event this Order becomes final, Docket No. 950895-TS shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of September, 1995.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

RJP

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 27, 1995.

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 substantially 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 wastewater 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.