

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against TELECO COMMUNICATIONS COMPANY for violation of Rule 25-4.004, F.A.C., Certificate of Public Convenience and Necessity Required.

DOCKET NO. 911214-TP
ORDER NO. PSC-97-0941-FOF-TP
ISSUED: August 6, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
JOE GARCIA

ORDER CLOSING DOCKET

BY THE COMMISSION:

In May 1991, Teleco Communications Company (Teleco) sued the Regency Towers Owners Association (RTOA) in circuit court in Panama City, Florida, for nonperformance of contract terms related to a lease agreement for telephone wire at the Regency Towers condominium complex. On December 10, 1991, the circuit court ordered that the matters in the dispute within the Commission's jurisdiction be referred to the Commission for resolution. By Order No. PSC-94-1304-FOF-TP, issued October 21, 1994, we determined that the activities of Teleco at Regency Towers constituted the provision of telecommunications service within the terms of Section 364.02, Florida Statutes, and that the provision of such service was in violation of Section 364.33, Florida Statutes, and Rule 25-4.004, Florida Administrative Code.

On January 31, 1996, Teleco filed a notice of appeal of Order No. PSC-94-1304-FOF-TP in the Florida Supreme Court. On May 22, 1997, the Court issued its opinion in Teleco Communications Co. v. Clark, 695 So.2d 304(Fla. 1997). On June 12, 1997, our staff advised the circuit court by letter of the Court's decision.

DOCUMENT NUMBER-DATE

07939 AUG-65

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0941-FOF-TP
DOCKET NO. 911214-TP
PAGE 2

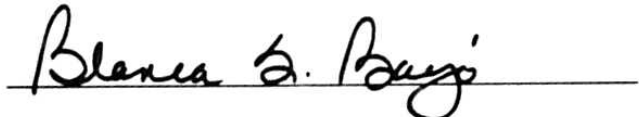
In the opinion, the Court affirmed our rulings on all matters except our rulings on contractual matters. The Court declared that the contractual matters should be decided by the circuit court.

Thus, there is nothing further for this Commission to do in this docket. Accordingly, it shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of August, 1997.

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)

CJP

ORDER NO. PSC-97-0941-FOF-TP
DOCKET NO. 911214-TP
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/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 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.