

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: SHOW CAUSE AGAINST SANDESTIN)	DOCKET NO. 871185-TI
BEACH RESORT FOR OPERATING AS A TELEPHONE)	ORDER NO. 20657
COMPANY)	ISSUED: 1-25-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER FINDING COMPLIANCE
WITH COMMISSION REQUIREMENTS

BY THE COMMISSION:

Order No. 18936 issued on March 2, 1988, proposed to fine Sandestin Beach Resort (Sandestin) for its illegal provision of local and long-distance telephone service. Sandestin was ordered to pay one-half the fine or two-thousand dollars (\$2,000). The remaining amount was suspended pending a six-month review to determine whether Sandestin had come in compliance with the terms of our Order.

On June 2 and 3, 1988, our Staff visited Sandestin to determine whether it was complying with the terms of Order No. 18936. During the visit our Staff learned that Sandestin continued to provide telephone service to owners of the transient units not included within Sandestin's rental program. Order No. 18936, at page 2, had specifically directed that only the units in Sandestin's rental program could continue to receive telephone service from Sandestin.

On September 2, 1988, Sandestin advised our Staff that it had sent a letter to the owners of the three hundred and seventy-four (374) units that had been receiving telephone service from Sandestin, but had not been included in its rental program. In its letter Sandestin had explained to the owners that heir units had been placed in its rental program and that if this was unacceptable to any of the owners they would be required to obtain telephone service from Central Telephone Company of Florida (Centel).

We find Sandestin's action to be in substantial compliance with the terms of our Order, providing it follows the procedures which are outlined below:

1. Each owner signs an affidavit stating that he does not live in the rental unit for more than nine months a year.
2. Each owner signs a rental agreement with Sandestin.

Accordingly, Sandestin has until thirty days from the issuance date of this Order to complete the procedures outlined above and to notify the Commission that it has done so.

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Additionally, during its investigation our Staff discovered that Sandestin continued to provide service to some of its employees in disregard of Order No. 18274 which had directed Sandestin to discontinue telephone service to its permanent employees, except for its administrative offices, by January 1, 1988. By June 1988, Sandestin had converted the majority of its employees to Centel however, it continued to provide service to four key management personnel. Subsequent to Staff's visit Sandestin requested permission to continue to serve these four employees citing ease of administration as the basis of its request.

We have determined that Sandestin may continue to provide telephone service to the following employees, provided there are no changes in Sandestin's corporate structure:

1. President (BOS Corporation)
2. Chairman (BOS Corporation)
3. Vice President Development
4. Senior Executive Vice President/General Manager

However, Centel must provide regular telephone service to these employees. Our decision to permit Sandestin to serve these employees is based upon the facts of this case. We will sanction the provision of telephone service to these employees so as long as the conditions stated above remain in effect.

Based on the foregoing, it is

ORDERED that the Florida Public Service Commission hereby determines that Sandestin Beach Resort is in substantial compliance with Order No. 18936 and hereby waives the suspended portion of the outstanding fine amount. It is further

ORDERED that within thirty (30) days issuance of this Order Sandestin shall notify the Commission that it has received signed affidavits and rental agreements from the owners of the units to which it provides telephone service in contravention of our rules, as provided for in the body of this Order. It is further

ORDERED that this docket shall remain open until Sandestin has complied with the terms set forth above, but in no event shall this docket remain open more than thirty (30) days from the issuance of this Order.

By ORDER of the Florida Public Service Commission,
this 25th day of JANUARY, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

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