

MEMORANDUM

SEPTEMBER 5, 1995

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TO: DIVISION OF RECORDS AND REPORTING <sup>1:30</sup> FPSC-RECORDS/REPORTING

FROM: DIVISION OF LEGAL SERVICES (HATCH) *HL*

RE: DOCKET NO. 940139-TL - INVESTIGATION OF CENTRAL TELEPHONE COMPANY OF FLORIDA'S PROVISION OF CENTREX SERVICE TO ROYAL OAKS APARTMENTS IN VIOLATION OF SECTION 364.339(1)(B), F.S., ORDER NO. 17111, RULE 25-24.560, F.A.C., AND GENERAL CUSTOMER SERVICES TARIFF 23.8.3.

1114-FOF

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Attached is an ORDER CLOSING INVESTIGATION to be issued in the above-referenced docket. (Number of pages in Order - 3)

TWH/clp  
Attachment  
cc: Division of Communications  
I:940139tl.twh

1/5

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of Central )  
Telephone Company of Florida's )  
provision of Centrex Service to )  
Royal Oaks Apartments in )  
violation of Section )  
364.339(1)(b), F.S., Order No. )  
17111, Rule 25-24.560, F.A.C., )  
and General Customer Services )  
Tariff 23.8.3. )

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 CLOSING INVESTIGATION

BY THE COMMISSION:

By Order PSC-94-0696-FOF-TL, issued on June 8, 1994, this Commission proposed to require Central Telephone Company of Florida to discontinue the provision of centrex service to Royal Oaks Apartments and other entities where residential service was being to residents in certain apartments through the resale of centrex service. Our decision was based upon a determination that Royal Oaks, through the resale of centrex service, was competing with service provided by the local exchange company and providing shared tenant service to non-commercial tenants not within a single building. At the time we entered the Order, all of these actions were prohibited by Sections 364.33 and 364.335(3), Florida Statutes and Rule 25-24.560, Florida Administrative Code.

Central Telephone Company did not protest the Order and notified the affected entities that it would be discontinuing the provision of centrex service as required by the Order. Service to all affected parties was discontinued, with the exception of two parties, the Leon County Educational Facilities Authority and Professional Food Service Management d/b/a Southgate Campus Centre, and R. J. Allen & Associates, d/b/a Regent's Club. On June 29,

DOCUMENT RECORDED DATE

08712 SEP-6 1994

FPSC-REGULATORY REPORTING

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1994, these two parties filed petitions for a formal proceeding and seeking clarification of Order PSC-94-0696-FOF-TL.

During the pendency of our investigation the Florida Legislature began consideration of major substantive changes to Chapter 364, Florida Statutes. Effective July 1, 1995, Sections 364.33 and 364.335(3), Florida Statutes, were amended to allow competition in the provision of local exchange service subject to compliance with the requirements set forth therein. These substantive changes obviate the need for any further investigation in this docket. Accordingly, we find it appropriate to terminate our investigation and to close this docket.

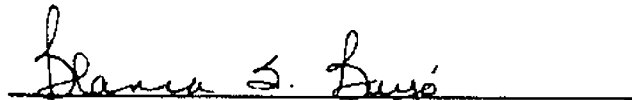
The Leon County Educational Facilities Authority and Professional Food Service Management d/b/a Southgate Campus Centre, and R. J. Allen & Associates, d/b/a Regent's Club may apply for appropriate certification if they wish to provide telecommunications services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the investigation into the activities of the Leon County Educational Facilities Authority and Professional Food Service Management d/b/a Southgate Campus Centre, and R. J. Allen & Associates, d/b/a Regent's Club is terminated as set forth in the body of this Order. It is further

ORDERED that this docket be and the same is hereby closed.

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



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

TWH

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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, 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.