

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Complaint by BellSouth Tele-)
Communications, Inc., Regarding)
The Operation of a Telecommunications)
Company by Miami-Dade County in)
Violation of Florida Statutes and)
Commission Rules)

DOCKET NO. 050257-TL

FINAL EXHIBIT NOS. 179-205

21 of 29

DOCUMENT NUMBER-DATE

06987 AUG-95

FPSC-COMMISSION CLERK

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MIA Shops!



100% Pure  Shopping.

Whether you come to Miami International Airport these days to take a flight or meet a relative or business associate, you will find a bright and exciting change in the Central Terminal area, between Terminal E and H.

New retail shops with brand names have become a part of the airport family. Names like Ron Jon Surf Shop, Havana Shirt Store, Airport Wireless, Prestige Signature, Borders, Bayside Brush and others now adorn the terminal. It is all part of the continuing new look of MIA.

On Monday, May 15, you are invited to come experience these shops, witness a grand opening celebration and a fashion show, participate in in-store activities, and join a contest to win a grand prize.

The fun starts at noon with the in-store activities and continues until 4:00 p.m. Next, the grand opening and fashion show takes place at 2:00 p.m.

On Friday, May 19, you are invited to come back and participate again in the in-store activities, fashion show and contest.

We're sure you'll like what you see at your airport!

In Store Activities

Passport Contest

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Live cigar roller

Live Latin Music

Live Classical music

Godiva chocolate tasting

Children's characters Clifford and Geronimo

Books signings by authors Christine Kapinski ("Profit From Your Vacation"), Joachim Deposada ("Sobrevivir Entre Piranas"), Manette Ansay ("Blue Water") and Carolina Garcia-Aguilera ("One Hot Summer " and "Es Cuestión de la suerte")

Latest electronic presentations

Exciting toy demonstrations

The Contest Rules

Passengers and meeters/greeters can pick up a contest passport at three different station locations (Terminal E, F and G, between the airline ticket counters and the stores).

Passengers, meeters/greeters and other Airport users must visit seven of the new stores to have their passport punched and be eligible for the grand prize.

MIA employees must visit all 14 stores to have their passport punched eligible for the grand prize.

Passengers, meeters/greeters, other Airport users, and MIA employees can deposit their punched passport at any of the three station locations.

The winner does not need to be present. The grand prize will be sent to the address they provide.

For more information, e-mail Marc Henderson at mhenderson@miami-airport.com



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Date 07/07/2006

Title MIA's Retail Stores Ranked Number One in Customer Satisfaction

(Miami-Dade County, FL) – Miami International Airport's (MIA) retail services ranked highest in customer satisfaction among all large airports in North America in 2006, according to a recently released study by J.D. Power and Associates. Large airports are defined as those serving 30 million or more passengers per year.

MIA ranked eleventh in the 2006 study for overall airport satisfaction, ahead of other large airports such as Minneapolis/St. Paul International, Los Angeles International, Orlando International, Denver International and San Francisco International.

The airport currently provides 44 retail and eight duty-free store locations, in addition to 68 food and beverage sites. In the last seven months, MIA has opened 14 new, national name-brand retail stores between Terminal E and H:

- Brookstone, which offers an assortment of distinctive, specialty products;
- Mindworks, which carries nostalgic and modern toys, games and electronics;
- \$10 Boutique, a marbled-floored accessories shop for men and women, with all items priced at \$10;
- Prestige Signature, which features a Mont Blanc store and other fine writing instruments, watches, and leather goods;
- Airport Wireless, which carries Palm products and other high-tech electronics;
- Ron Jon Surf Shop, internationally recognized for its beach-themed merchandise; Bayside Brush, which offers more than 400 styles of hard-to-find brushes and hair accessories, many made in France;
- Borders, a worldwide retailer of reading material, music, travel guides and maps;
- The Havana Shirt Store, which features clothing from Tommy Bahamas, Nat Nast, and La Coste, as well as Miami-style guayabera shirts for men and women; and,
- Sundries stores Hudson News (2), Newslink (2) and Mercado Miami.

Also scheduled to open this summer are: Dunkin' Donuts, where passengers can get the store's world famous coffee and baked goods to go, with a good book from the connecting Borders location; and Jetsetter Mini Spa, where weary passengers can pamper themselves with manicures, pedicures, sleep pods and relaxation products.

The 2006 North America Airport Satisfaction Study is based on responses

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**BST 6504
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from more than 9,800 passengers who took a flight between January and May of 2006. Passengers evaluated up to two different airports – their departing and arriving airport – for a total of more than 17,000 evaluations.

Since 1968, J.D. Power and Associates has been conducting quality and customer satisfaction research based on survey responses from millions of consumers worldwide. J.D. Power and Associates has developed and maintains one of the largest, most comprehensive historical customer satisfaction databases in existence, which includes feedback on the shopping, buying and ownership experiences for a variety of products and services.

#

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Local10.com

Miami International Airport Ranks High In Survey

POSTED: 5:06 pm EDT July 7, 2006
UPDATED: 5:25 pm EDT July 7, 2006

MIAMI -- Miami International Airport's retail services ranked highest in customer satisfaction among all large airports in North America in 2006 and eleventh for overall airport satisfaction, according to a recently released study by J.D. Power and Associates.

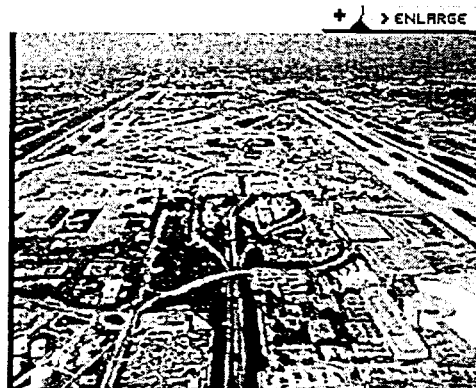
The overall satisfaction survey places MIA ahead of other large airports such as Minneapolis/St. Paul International, Los Angeles International, Orlando International, Denver International and San Francisco International.

MIA currently has 44 retail and eight duty-free store locations, in addition to 68 food and beverage sites. In the last seven months, MIA has opened 14 new, national name-brand retail stores.

The 2006 North America Airport Satisfaction Study is based on responses from more than 9,800 passengers who took a flight between January and May of 2006. Passengers evaluated up to two different airports -- their departing and arriving airport -- for a total of more than 17,000 evaluations.

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Miami International Airport. AP photo.

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FYI Miami

FYI Miami is a weekly feature of Miami Today, keeping readers ahead of the news. Here are highlights from the most current edition.

TOURISM-TAX BONANZA: Thanks to robust tourism, revenue from hotel taxes such as the countywide Convention Development Tax was up nearly 12% in the first quarter from a year earlier. The tax generated about \$15.4 million January through March, up from \$13.7 million in the same period last year. The tax in part supports the building of such facilities as the Miami Performing Arts Center.

REDEVELOPMENT DEFERRED: The Miami-Dade County commission has unanimously deferred a move to create the Biscayne Corridor Community Redevelopment Agency, a measure the commission adopted on first reading in January. The area is between Northeast 112th and 116th streets from Biscayne Boulevard on the east to Northeast 14th Avenue on the west. In July 1998, the commission declared the area a slum or blighted area that needed redevelopment.

64-STORY TOWERS DENIED: Miami's zoning board Monday voted to deny a zoning change that would have allowed construction of a pair of 64-story towers on the Miami Herald site fronting Biscayne Bay. The city commission will make the final decision. The board voted 4-2 to deny the change from C-2 commercial, with a height limit of 120 feet or 12 stories, to SD-6, which would allow unlimited height. Herald Plaza Parcel 1 is designed with 650 residential units, 24,000 square feet of commercial space and 1,064 parking spaces. Herald Plaza Parcel 3 would have 554 residential units, 4,000 square feet of retail and 700 parking spaces. Developer Terra Group is to take the project before the city's planning and zoning board May 17.

TAKE ON TOURISM: William D. Talbert, president and CEO of the Greater Miami Convention & Visitors Bureau, is to address Miami city commissioners today (5/11). "We will be giving the commission a tourism snapshot and update on tourism in Miami for 2005," he said. He has spoken to the Miami-Dade commission and the Miami Beach commission and will visit the Coral Gables commission May 23.

KEY TO THE KEY: Miami commissioners today (5/11) are being asked to accept the Virginia Key Beach Park Master Plan. The plan is a guide for development, preservation and beautification of the beach prepared by Wallace Roberts & Todd LLC.

SERVING THE ELDERLY: Resolutions from Miami's Department of Community Development for services to the elderly are to go before the city commission today (5/11). One would grant \$20,000 for Allapattah Community Action Inc. to provide meal services to the elderly. The second would transfer \$99,200 of US Department of Housing and Urban Development funds for rehabilitation of an elderly facility at 5617 NW Seventh St.

HURRICANE HOTLINE: The City of Miami Beach is preparing for hurricane season and wants residents who wish to be notified via cell phone of important notifications such as evacuation orders to register their cell numbers. Register at <http://miamibeachfl.gov/newcity/reverse911/mainpage.asp>.

PARKING FEE DOUBLES: The Miami Beach Parking Department is raising its special-events parking rate to \$10, effective immediately. The \$5 rate had stood for 10 years.

POW WOW HOP: William Talbert, Greater Miami Convention & Visitors Bureau president and CEO, recently went all the way to China to promote tourism, but this week, he had only to hop over to Orlando for one of the world's biggest trade shows, the Travel Industry Association's International Pow Wow. The event attracts more than 1,000 domestic travel organizations from every region of the US to meet with almost 1,500 international and domestic travel buyers from more than 70 nations, conducting negotiations that generate more than \$3.5 billion in US travel. In 2009, Mr. Talbert and his team won't have to venture far at all - the Pow Wow is to be in Miami.

NEWEST SHOPPING MALL: Miami International Airport's bid to spruce up travelers' shopping is to be spotlighted at 2 p.m. Monday when the county unveils its new collection of retailers at the grand opening of more than a dozen trendy name-brand shops. "MIA's dynamic new Central Terminal retail program brings 100% pure Miami flavor to the passengers' shopping experience," said spokeswoman Lauren Stover. Shops include Mindworks, Brookstone, Bayside Brush, Airport Wireless, Ron Jon Surf Shop, Havana Shirt Shop, Borders and Hudson News. The grand opening, during National Tourism Week, will feature food samples, product demonstrations, a fashion show, book signings, children's characters, prizes and coupons.

HISTORIC CRUISE: Members of the Historical Museum of Southern Florida will cruise to Key West and Playa del Carmen, Mexico, in November aboard Carnival's Imagination, but it won't be a typical cruise. Included will be a behind-the-scenes tour of

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the Mel Fisher Maritime Museum and the treasures of the ship Atocha in Key West, a lecture in full Maya costume by Jim Reed of the Institute of Maya Studies and other history-oriented excursions. Cabins start at \$299 per person. Details: (305) 375-1621.

MUSEUM DAY: If you have some time off next Thursday, why not visit a museum? May 18 is International Museum Day, and 16 Miami museums are celebrating the event, which promotes the role of museums in maintaining cultural heritage. Museums' plans to celebrate this year's theme, "Museums Bridging Cultures," include free guided tours, free or reduced admission fees, behind-the-scenes tours, gift-shop discounts and promotions for new museum members.

CANADA EYES SOUTH BEACH: A crew from Pink Planet TV in Canada is to be in Miami this week filming an upcoming segment on South Beach and events like Aqua Girl. The fast-paced gay and lesbian culture show takes viewers to gay festivals, events and celebrations around the world. Each 30-minute episode focuses on a gay-friendly destination. The show, seen by about 100,000 viewers, is broadcast on several outlets throughout Canada.

LEADERS FROM LEADERSHIP: Leadership Miami alumni will be honored by the Greater Miami Chamber of Commerce on May 20 at a dinner during its goals conference. Honorees will be Angel Medina Jr., group president of Regions Bank Miami-Dade; Alvin West, chief financial officer and senior vice president of administration of the chamber; Luis Ajamil, president of Bermello Ajamil & Partners Inc.; Willy Bermello, chairman and CEO of Bermello Ajamil and president and CEO of BAP Development Inc.; Miami Mayor Manny Diaz; Mikki Canton, shareholder at Gunster Yoakley & Stewart PA; and Seth Gordon, managing partner at Gordon Reyes & Co.

MOVING UP: The Greater Miami Chamber of Commerce has named Carlos R. Fernandez-Guzman, executive vice president and director of marketing for BankUnited, its next first vice chairman, a move up the ladder to chamber chairman in two years. Adolfo Henriques is to take over as chairman from Rosa Sagrañes at the chamber's goals conference this month, when Hank Klein, the current first vice chairman, will become chairman-elect.

LOST LUGGAGE: Bargain hunting? Check out Miami International Airport's lost-and-found auction Saturday, featuring more than 500 suitcases plus about 500 items that include laptops, cell phones, digital cameras, TVs, musical instruments, jewelry, toys, artwork and more. "These aren't yard-sale items. The bargains can be very good," said Greg Chin, spokesman for the Miami-Dade Aviation Department. "They are items that either have been misplaced or left behind when passengers

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realize they can't afford to pay for them to be carried on the plane." The auction begins at 9 a.m. at 5600 NW 36th St., building 845, Third Floor. Admission is \$3 for adults and free for those younger than 18, and parking is free. Cash and carry. Details: (305) 778-0568.

RECRUITERS FLOCK IN: New college graduates have reason to smile if a recent job fair at the University of Miami is any indication. University officials report that a recent career expo at the Toppel Career Center drew a record 172 companies recruiting graduates for that important first job. Students graduating in civil and environmental engineering, nursing, health sciences and education were the most highly sought. The State Department and other US government agencies are wooing graduates with signing bonuses, especially if they are willing to live abroad and speak a foreign language. Finance and accounting majors are looking beyond the more traditional banking or investment positions as companies like Target and Lennar fill management positions with business graduates. Details: (305) 284-5451 or www.miami.edu/toppel.

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Today is Monday, July 10, 2006

Originally published Wednesday, July 05, 2006

Updated Wednesday, July 05, 2006

LAX officials pay attention to the nation's high-rated airports

The goal of renovations at the airport is to "capture the spirit of Los Angeles and the region."

By Doug Irving

DAILY BREEZE

It's hard to say exactly what people like so much about Las Vegas' international airport. Maybe it's the easy check in, or the streamlined security.

Then again, it could be the jingle of slot machines ringing through the terminals, and the video-screen image of Wayne Newton wishing folks a pleasant trip.

In any case, McCarran International Airport in Las Vegas won the highest marks from travelers in a recent J.D. Power and Associates survey of large U.S. airports. Los Angeles International Airport, meanwhile, remained mired near the bottom.

The survey gives some indication of what travelers want -- and what they don't find when they fly into Los Angeles. It suggests that the most attractive airports function not just as departure points, but as destinations in their own right.

It's a lesson LAX officials are paying closer attention to. The airport has launched a multimillion-dollar campaign to spruce up its old terminals, improve its stores and restaurants and make itself a little more likable.

"Traveling, as we all know, can be a stressful experience," said Pasquale DiFulco, a spokesman for the Port Authority of New York and New Jersey. Its John F. Kennedy International Airport scored high in the survey for the quality of its restaurants.

"If you can do anything to put your customer at ease," DiFulco added, "that's what you're looking for."

The J.D. Power survey of more than 17,000 recent travelers ranked airports in categories ranging from the ease of checking in and collecting baggage to the condition of their terminals and the quality of their stores. Among large airports, LAX scored well only for its ability to get foreign travelers through customs.

So, what does a top-ranked airport look like?

McCarran International in Las Vegas emerged as the clear favorite in the survey, and it did so with the same kind of theatrics that built its hometown. The airport greets travelers with rows of slot machines -- and lightens their pockets to the tune of \$32 million a year. Showbiz stars such as Wayne Newton and the Blue Man Group guide people through security lines from overhead video

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monitors.

But there's more to it than that. The airport has worked in recent years to make it as easy as possible for travelers to check in for a flight. It improved its ticketing lobbies, opened more security checkpoints and installed banks of kiosks that can print tickets for several airlines, not just one.

"What you would see is an improvement in the entire process," Deputy Director of Aviation Rosemary Vassiliadis said. That gives travelers more time to wander the airport's new stores, tap into its new wireless Internet service -- or just play the slots.

"People don't mind them," Vassiliadis said. "It's part of it."

Travelers flying through Miami can part with their money at some of the highest-rated airport stores in the J.D. Power survey. They'll find the usual airport newsstands and gift stores there, but also uniquely Miami shops selling Havana shirts, shell jewelry, even handmade hairbrushes.

Miami International Airport recently opened more than a dozen stores -- not with a ribbon cutting, of course, but with a gala orange-peeling. Its shopping area, bright and planted with palm trees and flowers, even has its own slogan, commercial operations director Patricia Ryan said: "100 percent pure, refreshing Miami shopping."

For food, though, the survey gave the highest grades to New York's JFK -- an airport that offers Nathan's Famous hot dogs and Napa Valley wine, barbecue, burgers, mochas and microbrews. "It's New York," spokesman DiFulco said. "I think people expect to see a little bit of everything."

At LAX, by comparison, travelers found the food substandard, the shops mediocre and the terminals among the worst of the 16 big airports in the survey. They didn't like checking in for flights at LAX, or going through security, or even trying to get to the airport in the first place.

Airport directors have set aside millions of dollars to make LAX a more appealing place in the coming years. They plan to rip up old carpet, replace cracked tiles and renovate outdated bathrooms, as well as improve airport signs and offer such amenities as wireless Internet service and valet parking.

They also want to upgrade the airport's stores and restaurants to better represent Los Angeles to the tens of millions of travelers who come through LAX every year. The airport, one consultant wrote, should try to "capture the spirit of Los Angeles and the region."

That has become even more important in recent years, as travelers leave themselves more time to get through airport security -- and often find themselves spending it inside the terminals. "You have some time when you get to the airport now," McCarran's Vassiliadis said -- to have dinner, browse the shops, maybe even play some slots.

Find this article at:

BST 6512
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<http://www.dailybreeze.com/news/articles/3277646.html>

Check the box to include the list of links referenced in the article.

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March 16, 1990

Mr. Steve C. Tribble
Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301

Re: Docket No. 891297-TS - STS Rules

Dear Mr. Tribble:

Enclosed please find an original and fifteen copies of Southern Bell Telephone and Telegraph Company's Comments and Request for Hearing, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

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- AFA _____
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Enclosures

cc: All Parties of Record
A. M. Lombardo
Harris R. Anthony
R. Douglas Lackey

Sincerely yours,

E. Barlow Keener
E. Barlow Keener

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A BELL SOUTH Company

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CERTIFICATE OF SERVICE
Docket No. 891297-TS

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this *16th* day of *March*, 1990
to:

Debra Schiro
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relating to Shared Tenant)
Service (STS) Providers)

Docket No. 891297-TS
Filed: March 16, 1990

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
COMMENTS AND REQUEST FOR HEARING

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.039, Florida Administrative Code, and Section 120.57, Florida Statutes, and files its Comments and Request for Hearing in response to the Notice of Rulemaking regarding the adoption of proposed Rule 25-24.550 through Rule 25-24.587, Florida Administrative Code, relating to shared tenant service ("STS") providers.

1. On February 22, 1990, the Florida Public Service Commission ("Commission") published its Notice of Rulemaking regarding the adoption of rules relating to STS providers. In accord with the Notice of Rulemaking, Southern Bell requests a hearing regarding the proposed rules.

2. In general, Southern Bell believes the proposed STS rules adequately codify the existing Commission STS Orders and the various local exchange company ("LEC") tariffs. Nevertheless,

- 1 -

BST 6516
PSC

DOCUMENT NUMBER-DATE

02408 MAR 16 1990

PSC-RECORDS/REPORTING

Southern Bell believes that certain portions of the proposed rule should be clarified and amended. The particular portions of the proposed rules that Southern Bell currently believes should be addressed are set forth below.

3. Proposed Rule 25-24.567(5)(b), Florida Administrative Code, provides that an STS applicant for a certificate will be required to notify its customers regarding the STS providers' rates and quality of service. Southern Bell believes that a requirement that the STS applicant notify its customers of the customers' statutory right to receive service from the appropriate LEC should also be included in this Rule.

4. In addition, Southern Bell believes that proposed Rule 25-24.575, Florida Administrative Code, regarding the LECs right to gain access to a tenant located in a building served by an STS provider, should be clarified. Subparagraph 10 of the proposed rule provides that the "LEC must be able to gain access to all facilities up to the demarcation point of the building and/or the tenant's premises...." The term "facilities" should be clarified by adding "support facilities (e.g., conduit)". Moreover, the "demarcation point" should be defined in accord with Rule 25-4.0345(1)(b), Florida Administrative Code. Southern Bell suggests

that the rule would be clarified if it referred to the definition of demarcation point set forth in Rule 25-4.0345(1)(c), Florida Administrative Code.

5. Further, Southern Bell contends that the proposed Rule 25-24.575, Florida Administrative Code, should be amended to exclude the language requiring the LEC to provide reasonable compensation in order to use the building's support facilities (e.g., conduit) to gain access to an end-user. Southern Bell believes, as in other situations where Southern Bell provides service to tenants located in a building, access to the end-user via existing conduit should be provided without charge to the LEC.

6. Moreover, with regard to Rule 25-24.580(1), Florida Administrative Code, which relates to the provision of STS to airport facilities, Southern Bell believes that the exception allowing the airport to provide service to separate entities, such as hotels, by partitioning the trunks is ambiguous and should be clarified. In addition, Southern Bell suggests that the rule be amended to provide that airports be required to furnish support facilities (e.g., conduit) in order to allow the LECs to be able to directly access any entity located in the airport facility that wishes to receive LEC service.

WHEREFORE, Southern Bell requests that the Commission grant
its Request for Hearing.

Respectfully submitted,

SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY

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D. L. (JERRY) GUNTER
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FILE COPY

Division of Appeals
David E. Smith, Director
(904) 488-7464

Public Service Commission

April 24, 1990

AVP-Reg
Gen Atty-Fla
Atla Leg
BSSI Leg

E. Barlow Keener, Esquire
150 West Flagler Street
Suite 1910
Miami, Florida 33130

RE: Docket No. 891297-TS, STS Rules

Dear Mr. Keener:

Enclosed is a copy of the comments from AmeriSystems, the only party other than Southern Bell to request a hearing on the proposed STS rules.

Sincerely,

A handwritten signature in cursive script that reads "Christiana T. Moore".

Christiana T. Moore
Associate General Counsel

CTM/cp
4083G

Enclosure

Final Exhibit
No. 185

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rules)
25-24.550 Through 25-24.587,)
Florida Administrative Code,)
Relating to Shared Tenant)
Service (STS) Providers.)

DOCKET NO. 891297-TS

COMMENTS OF AMERISYSTEMS PARTNERSHIP
REGARDING PROPOSED SHARED TENANT SERVICE RULES

AmeriSystems Partnership, by its attorneys, hereby submits its comments in opposition to the proposed codification of rules in the above-captioned docket. AmeriSystems is a shared tenant services ("STS") provider, serving four locations in the Tampa area.^{1/} AmeriSystems purchases trunking capacity from General Telephone of Florida ("GTE") to serve the private branch exchanges ("PBXs") used at each of its four sites.

AmeriSystems was a participant in Docket No. 860455-TL, which resulted in the issuance of Order No. 17111 on January 15, 1987, in which the Commission held the provision of STS to be in the public interest. In Order No. 17111, the Commission adopted a cautious initial regulatory approach towards STS; the proposed rules in this docket would essentially codify that early regulatory scheme.

^{1/} AmeriSystems also provides intrastate and interstate interexchange service at those four locations and, in addition, at locations in Orlando and Miami. AmeriSystems does not offer shared local services at the Orlando and Miami sites and, accordingly, is not an "STS" provider under the Commission's definition at those locations.

I. The Regulatory Structure Adopted In Order No. 17111 Was Intended As A Cautious Approach Appropriate For The Initial Stages Of STS Development

In 1986, pursuant to Section 364.339, Florida Statutes, the Commission opened Docket No. 860455-TL, and held hearings to determine whether the provision of STS was in the public interest. As a result of those proceedings, the Commission determined in January 1987 that the provision of STS was in the public interest and prescribed conditions under which it could be offered in Florida.

In particular, the Commission found that STS providers should only be allowed to operate under highly circumscribed conditions, given the nascent stages of industry development and uncertainty as to the potential impact of STS on both end users and local exchange carrier ("LEC") revenues. Moreover, the actual data available to the Commission at that time was extremely limited.^{2/} Rather, most of the testimony in Docket No. 860455-TL consisted of mere projections as to the potential development of STS and its future impact on the marketplace.

The Commission's January 1987 Order reflects a record developed nearly four years ago, at a time when the STS industry was in its infancy. In its Order, the Commission took a cautious

^{2/} In actual terms, at that time only a relatively small number of STS providers were operating in Florida, in a limited number of markets. As the Commission found: "the testimony presented suggested only a few firms are now offering this service." Indeed, that statement remains true today. See Section II, infra.

approach, recognizing the paucity of data. For example, with respect to the LECs' projection of alleged revenue losses, the Commission noted:

[T]hese studies cannot be relied upon as actual "revenue losses" but must be looked upon as potential changes in future flows of revenues if the market penetration assumed in these studies were to occur.^{3/}

Thereafter, the Commission confirmed:

[N]o clear evidence has been presented to support the LECs' claims that STS will result in lost revenue. We find the evidence presented will not allow us to accurately assess the significance of any potential revenue loss. We are therefore convinced that the effect of STS on local exchange rates remains, as yet, unknown.^{4/}

The Commission's cautious approach was undertaken in the context of arguments by opponents of STS who attempted, in the absence of any empirical evidence, to paint a portrait of a voracious STS industry that would rapidly devour the LECs' valuable small and mid-sized business customers, dangerously deplete LEC revenues, and threaten the viability of universal service. In actuality, however, the scenario has not come to pass, either in Florida, where regulation and restrictions on the scope of sharing arrangements are relatively stringent, nor in any of the other jurisdictions across the country where regulation is more lenient (or, indeed, nonexistent).

^{3/} Id. at 8 (emphasis added).

^{4/} Id. at 9 (emphasis added).

The Commission recognized the lack of data available to support the LECs' arguments. At the same time, the Commission also was sensitive to the then-unknown impacts of this new service. Accordingly, Order No. 17111 adopted a "go-slow" approach towards regulation, balancing these various concerns:

Based upon our preceding discussion, we feel that restrictions on the conditions under which this service may be provided are appropriate. These restrictions are appropriate because this service is new and we desire to begin regulation in this area cautiously to insure protection of all end-users. Further, to the extent this service duplicates and competes with local exchange service, we recognize^{5/} the potential to affect present local exchange rates.

In short, the Commission adopted a highly circumscribed regulatory scheme as an initial, cautious first step, at a time when a new service was being introduced, whose impact both on end users and on LECs in Florida essentially was unknown.

II. The Current Regulatory Structure for STS Should Not Be Made Permanent Without An Investigation of The Continued Necessity Of Such Restrictions

In the intervening years since the issuance of Order No. 17111, certain facts have become clear. First, contrary to early LEC predictions, STS has not become a dominant force in the Florida market (or any market) engendering significant LEC revenue losses. Rather, STS providers have remained relatively few in number, occupying an identifiable market niche providing small and medium-sized business customers with enhanced services they might otherwise not be able to obtain.

^{5/} Id. at 10 (emphasis added).

Nor have LEC revenues been threatened. In fact, AmeriSystems' experience in Florida reflects that LEC revenues actually have been incrementally enhanced by virtue of its STS arrangements. For example, as of August 1989 the revenues derived by General Telephone from serving AmeriSystems' shared customers were significantly higher with respect to each of AmeriSystems' four sites than they would have been if General Telephone had serviced those same customers individually. In fact, under the prevailing STS rate structure, at least at one site, the revenues General Telephone derived were more than 40 percent above those they would have received in the absence of AmeriSystems.

Overall, given the nature of the competitive restrictions proposed, STS growth has remained basically static. Any concerns that STS would have a significant negative impact on end users or LECs have proven unfounded. For example, AmeriSystems is probably the most active commercial STS provider in Florida, yet it has only expanded to 2 new locations since the 1987 Order.^{6/} Most significantly, experience in other jurisdictions demonstrates that the initial regulations adopted by this Commission are not essential either to protect the public interest. AmeriSystems currently operates STS projects in seven states besides Florida, none of which require certification of STS providers or impose

^{6/} Indeed, at those newer sites, the STS rates adopted in 1987 mean that it is economically disadvantageous even to offer shared local service. Far from being a revenue loss LECs, shared local service would result in a windfall profit to LECs above the revenue they receive in the absence of a shared system. Accordingly, AmeriSystems partitions its switching equipment at those locations.

geographic and PBX trunk limitations as stringent as those in Florida. In none of those states (nor, to AmeriSystems' knowledge, in states where other STS providers operate) has any LEC complained of substantial revenue losses due to STS. None of the utility regulatory commissions in those states has identified STS rates or practices as a matter of serious concern; indeed, AmeriSystems is unaware of any consumer complaint to state regulators concerning commercial STS.

Thus, AmeriSystems respectfully suggests that this Commission can now safely contemplate moving beyond the initial cautious approach adopted in 1987. Given the proven realities of the marketplace, there is a strong case that loosening the original restrictions would be both appropriate and in the public interest.

What clearly is not appropriate is engraving the initial, cautious rules developed on a 1986 record into the codified stone of 1990. To do so without a comprehensive review of the role STS has come to play, and STS' actual de minimis impact on the LECs, would be to do violence to the clear intent of the Commission in 1987. Those rules were set forth in an experiential vacuum. It would be highly inappropriate over three years later to codify reflexively what had been intended as interim measures.

Such codification would only serve to perpetuate artificial inefficiencies which constrain competition and inflate costs to STS customers -- small and mid-size businesses -- without serving any public benefit whatsoever. For example, under the decision adopted in 1987, an STS provider cannot serve two connected

buildings with a single PBX, absent trunk-side partitioning and separate certification. This requirement entails a significant increase in expense to the provider and loss of efficiency, which in turn principally is borne by those small and mid-sized Florida businesses which are the principal consumers of STS. As a result, STS providers, and in turn their customers, are forced to pay a significant premium, and incur efficiency losses, even as the larger corporate competitors of STS customers, which routinely install their own PBXs, are not hamstrung by any such artificial inefficiencies. (In fact, in many instances the STS provider actually incurs a financial loss for providing such services.)

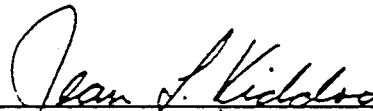
Moreover, large corporate entities have a second competitive advantage because the rate charged STS providers (and in turn their customers) is significantly higher than that charged large corporations which own their own PBXs. Hence, ironically, it is larger, well established corporate competitors that gain a competitive advantage under the current rules over their small and mid-sized competitors. If, at the time STS was first introduced, there was reason to adopt a cautious, "go-slow" approach to ensure that end users were not adversely impacted, that fear has proven to be unfounded in practice. Hence, to continue to penalize STS providers and their customers in perpetuity is both unreasonable and inappropriate. Yet that would be the result of codification of the 1987 rules, which were expressly intended to be interim in nature.

In sum, the only prudent, reasonable course is to reject the proposed codification, and allow the present interim regulatory scheme to continue in effect until such time as the Commission is ready to conduct a thorough, full scale review of the role STS has come to play in the Florida market.^{7/}

III. Conclusion

For the reasons set forth above, AmeriSystems respectfully requests that the Commission reject the proposed codification of rules and allow the present regulatory scheme with respect to STS to continue to prevail in its current form. Furthermore, AmeriSystems respectfully requests that a hearing be scheduled with respect to the proposed codification.

Respectfully submitted,



Andrew D. Lipman
Jean L. Kiddoo
Robert G. Berger

Swidler & Berlin, Chartered
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
Attorneys for AmeriSystems Partnership

March 15, 1990

^{7/} It is Amerisystems' understanding that, by proposing these rules, the Commission simply is proposing to codify its earlier Order and does not intend this Docket to be the vehicle for a review of the merits of that order. Accordingly, AmeriSystems' comments herein do not undertake a point-by-point analysis of the desirability of the specific proposed rules.

KATZ, KUTTER, HAIGLER, ALDERMAN, DAVIS, MARKS & RUTLEDGE

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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**ORIGINAL
FILE COPY**

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FLORIDA BAR

OF COUNSEL:
RONALD R. RICHMOND
J. LARRY WILLIAMS

891297-TS

REPLY TO: TALLAHASSEE

July 17, 1990

Mr. Steve Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
Tallahassee, Florida 32399-0850

RE: Comments on Proposed Rules

Dear Mr. Tribble:

Enclosed please find the original and twelve (12) copies of the Comments on Proposed Rules on behalf of Metropolitan Dade County, Florida.

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG JRM/lcg
- LIN
- OPC Enclosure
- RCH
- SEC RECEIVED & FILED
- WAS
- OTH FISC BUREAU OF RECORDS

If additional information is needed, please do not hesitate to contact me.

Sincerely,

John R. Marks, III

Final Exhibit
No. 186

BST 6530
PSC

DOCUMENT NUMBER-DATE
06359 JUL 17 1990

-PSC-RECORDS/REPORTING

7/17/90

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relating to Shared Tenant)
Service (STS) Providers)

Docket No. 891297-TS
Filed: July 17, 1990

COMMENTS ON PROPOSED RULES

Metropolitan Dade County, Florida, (County) through its undersigned attorneys and pursuant to Rule 25-22.012 (2), Fla. Administrative Code (F.A.C.) and Section 120.57 Florida Statutes (F.S.) files these comments to the Notice of Rulemaking regarding the adoption of proposed Rules 25-24.550 through 25-24.587, F.A.C. relating to Shared Tenant Service (STS) providers.

1. On February 22, 1990, the Florida Public Service Commission (Commission) published its Notice of Rulemaking in the Florida Administrative Weekly regarding the adoption of rules relating to Shared Tenant Service providers. As indicated in the notice, the purpose and effect of the adoption of the STS rules are to codify existing regulatory requirements for STS providers as contained in Section 364.339, F.S. and Commission Orders Nos. 17111, 17369 and 18325. It is the position of the County that no revisions to the proposed rules as noticed are necessary or warranted.

2. On March 16, 1990, Southern Bell Telephone and Telegraph Company (Southern Bell) filed comments and a request for hearing regarding the proposed rules. It is the position of the County

BST 6531
PSC

DOCUMENT NUMBER-DATE

06359 JUL 17 1990

PSC-RECORDS/REPORTING

fications and amendments proposed by Southern Bell in that they are unnecessary and unwarranted.

Southern Bell requests that the Commission require an STS provider to notify its customers of the customers statutory right to receive service from the appropriate local exchange company (LEC). An affirmative declaration from the STS provider to its customers in the manner suggested by Southern Bell imposes an unnecessary and unwarranted burden and expense on STS providers. The general body of LEC ratepayers are or should be aware of the local exchange company's presence and ability to provide such service. Southern Bell's comments do not provide any indication as to how the notification should be provided or who should incur the costs. Statutory law and the Commission Rules and Orders clearly indicate that an STS provider cannot deny a customer access to the LEC.

4. Southern Bell believes that the term "facilities" as stated in proposed Rule 25-24.575, F.A.C. should be clarified by adding "support facilities (e.g. conduit)". It is not clear what Southern Bell intends by the modification. It appears that adding the word "support" adds nothing to the term to help clarify subparagraph 10 of proposed Rule 25-24.575, F.A.C.

5. Southern Bell also requests that the term "demarcation point" be defined. The County agrees with the definition in Rule 25-4.0345(1)(C) F.A.C. and does not oppose adding the definition of the term to the rule. However, the County believes it to be unnecessary since the term is already defined in the Commission's rules and is a term of general applicability and a term well known

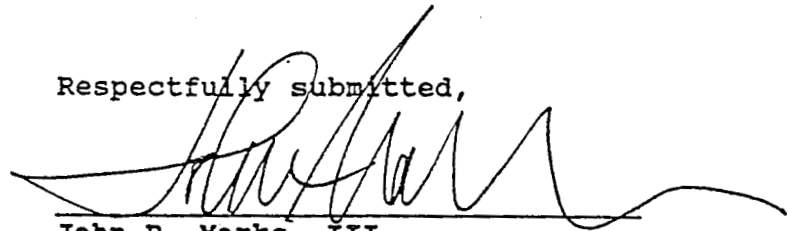
in the telecommunications industry.

6. Southern Bell requests that Rule 25-24.575, F.A.C. be amended to exclude language requiring the local exchange company to provide reasonable compensation in order to use the STS provider's support facilities to gain access to an end-user. It is Southern Bell's position that "access to the end user via existing conduit should be provided without charge to the LEC". Dade County completely and unequivocally opposes such an amendment because it would require the STS provider and in particular the Dade County Aviation Department to subsidize Southern Bell's operations. Certainly Southern Bell realizes there are costs associated with providing facilities for access to an end user. The staff of the Commission recognized such obvious costs and included an appropriate and reasonable method of compensation in the proposed rule. The rule as proposed, adequately, directly and fairly addresses this issue by requiring the LEC's to provide reasonable compensation which "shall not exceed the amount it would have cost the LEC to serve the tenant through construction of its own facilities".

7. Finally, Southern Bell indicates that proposed Rule 25-24.580(1), F.A.C. which addresses the airport exemption, and in particular that part of the rule related to partitioning of trunks, is ambiguous and should be clarified. Southern Bell did not provide any additional information explaining the ambiguity or how the particular section should be clarified. It is the position of Dade County that the proposed rule is clear, reasonable and properly expresses and codifies existing regulatory requirements.

WHEREFORE, the County requests the Commission to consider the foregoing comments and adopt the rules regarding Shared Tenant Service as noticed in the Florida Administrative Weekly.

Respectfully submitted,



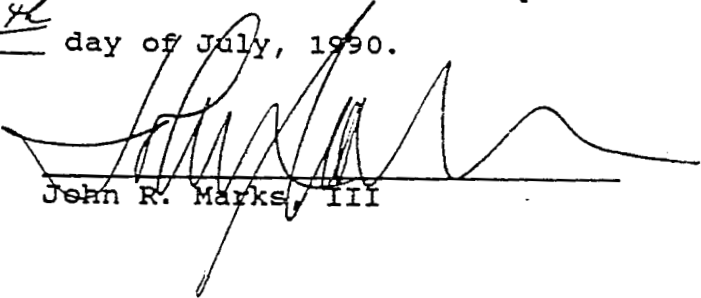
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Attorney
Metropolitan Dade County Attorney
Aviation Department
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Miami, Florida 33159
(305) 871-7040

Attorneys for Intervenor Metropolitan
Dade County, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and twelve (12) copies of the foregoing have been submitted to the Commission's Division of Records and Reporting in accordance with Rule 25-22.0375, Florida Administrative Code, and that true and correct copies thereof have been furnished by U.S. Mail to Andrew D. Lipman, Esquire, Swidler & Berlin, chartered, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007, Attorney for AmeriSystems Partnership and to Harris R. Anthony, General Attorney-Florida and E. Barlow Keener, Attorney, c/o Marshall M. Criser, III, 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301, for Southern Bell Telephone and Telegraph Company, this 17th day of July, 1990.


John R. Marks, III

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In The Matter of	:	
Adoption of Rule 25-24.550	:	
through 25-24.587, Florida	:	DOCKET NO. 891297-TS
Administrative Code,	:	
related to Shared Tenant	:	<u>HEARING</u>
Service (STS) Providers.	:	

RECEIVED
 Division of Records & Reporting
 SEP 12 1990
 Florida Public Service Commission

FPSC Hearing Room 106
 101 East Gaines Street
 Tallahassee, Florida 32399-0871
 Friday, August 31, 1990

Met pursuant to notice at 9:30 a.m.

BEFORE: CYNTHIA MILLER
Hearing Officer

APPEARANCES:

THOMAS R. PARKER, Post Office Box 110, Mail
 Code 7, Tampa, Florida 33601, appearing on behalf of
 GTE Florida, Inc.

LYNN S. ANTHONY, 43 Southern Bell Center, 675
 West Peachtree Street, Northeast, Atlanta, Georgia
 30375, appearing on behalf of Southern Bell Telephone
 Company.

BST 6536
PSC

DOCUMENT NO.
08152-90
9-12-90

FLORIDA PUBLIC SERVICE COMMISSION

8/31/90

1 APPEARANCES CONTINUED:

2 E. BARLOW KEENER, Suite 1910, 150 West
3 Flagler Street, Miami, Florida 33130, appearing on
4 behalf of Southern Bell Telephone Company.

5 JEAN KIDDOO, Swidler and Berlin, 3000 K
6 Street, Northwest, Washington, D.C., appearing on
7 behalf of AmeriSystems Partnership and the Greater
8 Orlando Aviation Authority.

9 THOMAS ABBOTT, County Attorney's Office, Post
10 Office Box 592075, Miami, Florida 33159, appearing on
11 behalf of Dade County Aviation Department and the Dade
12 County Airport.

13 JOHN R. MARKS, Katz, Kutter, Haigler,
14 Alderman, Davis, Marks and Rutledge, Suite 400, First
15 Florida Bank Building, 215 South Monroe Street,
16 Tallahassee, Florida, appearing on behalf of the Dade
17 County Airport.

18 CHRISTIANA MOORE, Florida Public Service
19 Commission, Office of the General Counsel, 101 East
20 Gaines Street, Tallahassee, Florida 32399-0871,
21 appearing on behalf of the FPSC Staff.

22

23 REPORTED BY:

CAROL C. CAUSSEAU, CSR, RPR
JOY KELLY, CSR, RPR
Official Commission Reporters

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25

FLORIDA PUBLIC SERVICE COMMISSION

I N D E X

WITNESSES

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ALAN TAYLOR	
Direct Statement	55

COMMENTS BY:

AmeriSystems/GOAA (Ms. Kiddoo)	21
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Dade County Airport (Mr. Marks)	40
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EXHIBITS

<u>Number:</u>	<u>Identified</u>	<u>Admitted</u>
1 (Staff) Composite of Proposed Rules, Order, Notice of Rulemaking, etc.		8
2 (Staff) Changes to Rule		11
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4 (Southern Bell) Suggested Lanuage Revisions to Rules		38
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P R O C E E D I N G S

(Hearing convened at 9:30 a.m.)

MS. MILLER: Let's get started, as I believe
it's 9:30 a.m.

Good morning. I'm Cindy Miller, I am
Associate General Counsel with the Florida Public
Service Commission.

This hearing is being conducted pursuant to
the rulemaking provisions of Section 120.54(3), Florida
Statutes.

Counselor, please read to notice.

MS. MOORE: This is a rulemaking pursuant to
notice published in the Florida Administrative Weekly
on February 23rd, 1990, and the notice of rulemaking
was also issued by the Commission on February 22nd,
1990, as Order No. 22594 in Docket No. 891297-TS.
These proposed rules are numbered 25-24.550 through
25-24.587, Florida Administrative Code.

MS. MILLER: Thank you. We are going to try
to keep this informal today in the nature of a
rulemaking hearing. So we are going to try to allow
each person to have comments and others to ask
questions of that participant.

Counselor will give us some guidance on how
best to proceed with this, but I did want to emphasize

1 that we're not going to have swearing-in and we are not
2 going to keep it in a 120.57 adversarial nature but are
3 going to try to keep it in line with the 120.54
4 guidance in the statutes.

5 At this time, we are ready to take
6 appearances, and if we can start from this side of the
7 room.

8 MR. PARKER: Thomas R. Parker, Post Office
9 Box 110, Mail Code 7, Tampa, Florida 33601, appearing
10 on behalf of GTE Florida, Inc.

11 MR. ANTHONY: Lynn S. Anthony, representing
12 Southern Bell. My address is 43 Southern Bell Center,
13 675 West Peachtree Street, Northeast, Atlanta, Georgia
14 30375.

15 MR. KEENER: E. Barlow Keener, representing
16 Southern Bell, Suite 1910, 150 West Flagler Street,
17 Miami, Florida 33130.

18 MS. KIDDOO: Jean Kiddoo, representing
19 AmeriSystems Partnership and the Greater Orlando
20 Aviation Authority. I am with the law firm of Swidler
21 and Berlin, 3000 K Street, Northwest, Washington, D.C.

22 MR. ABBOTT: Good morning. Thomas Abbott
23 from the County Attorney's Office in Miami, Post Office
24 Box 592075, Miami, Florida 33159, representing Dade
25 County's Aviation Department and the airport.

1 MR. MARKS: I'm John Marks with the firm of
2 Katts, Cuter, Hagler, Alderman, Davis, Marks and
3 Rutledge, Suite 400, First Florida Bank Building, 215
4 South Monroe Street, Tallahassee, Florida, appearing on
5 behalf of the Dade County Airport.

6 MS. MILLER: When we are using our
7 microphones, if you could pull toward you first before
8 you turn it on, it's really hard on our court
9 reporters' ears when we do that.

10 MS. MOORE: Chistiana Moore, Associate
11 General Counsel with the Florida Public Service
12 Commission.

13 MS. MILLER: Thank you. Counselor, how do
14 you suggest that we proceed with this rule hearing?

15 MS. MOORE: I would suggest that the
16 Commission Staff make its presentation first. Julia
17 Russo, form the Division of Communications, and then I
18 beleive AmeriSystems and the other parties that have
19 filed comments. After that, I would like to have Allen
20 Taylor present Staff's position on the comments.

21 MS. MILLER: Okay. And this is open for
22 discussion at this point. So what you are saying now,
23 are you going to have both Commission people speaking
24 at the start?

25 MS. MOORE: No, just Julia Russo to run

1 through the rule.

2 MS. MILLER: Okay. And then you will allow
3 the other participants to ask questions of Ms. Russo?

4 MS. MOORE: Yes.

5 MS. MILLER: Does anyone have any problem
6 with proceeding in this way, and then each of you will
7 present your comments and allow the others a systematic
8 approach in asking questions, but not a full cross
9 examination, or anything like that?

10 Okay, that sounds good. I guess we are ready
11 to proceed.

12 MS. MOORE: I would first like to take care
13 of the exhibits, if I may. This is Composite Exhibit
14 No. 1, and I have one copy of the entire thing. I have
15 copies of the index, and there are others available
16 back there.

17 This composite exhibit contains the proposed
18 rules; then a copy of Order No. 22594, Notice of
19 Rulemaking. The third item is a statement of facts and
20 circumstances justifying the rule; state of federal
21 standards and state of impact on small business as
22 provided to the Joint Administrative Procedures
23 Committee.

24 The fourth item is a letter to small and
25 minority business advocate, followed by the economic

1 impact statement.

2 After that is Southern Bell's petition to
3 intervene, then Southern Bell's Comments and Request
4 for Hearing. Number 8 is AmeriSystems Partnership's
5 comments, Metro-Dade's Petition to Intervene and
6 Metro-Dade's comments on the proposed rule.

7 We would request that that Composite Exhibit
8 be entered into the record.

9 MS. MILLER: Are there any objections to
10 that? If not, it is entered into the record.

11 (Composite Exhibit No. 1 received into
12 evidence.)

13 MS. MOORE: The second exhibit is changes to
14 the rule. I have already distributed copies of that,
15 and if I could run through those changes before
16 Commission Staff testifies, or speaks about the rule.

17 MS. MILLER: Does everybody have a copy of
18 that Exhibit 2 that Counsel is referring to?

19 MS. MOORE: There are copies back there, back
20 of the post if anyone needs one. (Pause)

21 The changes to the rule are primarily as a
22 result of amendments to Chapter 364 made by the
23 Legislature this session. Throughout, I have changed
24 "telephone" to "telecommunications," because that is
25 the new term in the statute. There are also some

1 changes made as a result of comments by the Joint
2 Administrative Procedure Committee, and they mainly
3 have to do with style and some citations that have
4 changed. The last change that I won't mention on a
5 rule-by-rule basis is some numbering changes, and
6 that's basically style.

7 The first rule in which there have been some
8 changes is 25-24.555, changed the citations. And on
9 Line 24 struck the word "or," so it no longer reads
10 "and/or."

11 On Line 26 change "may" to "shall."

12 MR. PARKER: Which page?

13 MS. MOORE: Page 1. We changed "may" to
14 "shall," as a result of the JAPC comments.

15 Page 2 a citation change; Page 3, change,
16 "hybird" to "hybrid," on Line 5.

17 On Page 4, Line 5, we struck the words "hold
18 stock in" and substituted the word "control." The JAPC
19 questioned the meaning of "hold" and Order No. 17111 on
20 Page 22 uses the term "control," and I think that's
21 clear and that's what the Commission meant. Citation
22 changes as a result of statutory amendments.

23 Page 5, the same. Page 6, the typographica
24 error is corrected.

25 Page 7, the JAPC questioned how public

1 interest is determined. We are inserting language that
2 cites to the statute and the statutory factors in
3 determining the public interest. It now reads, "In
4 determining whether approval is in the public interest,
5 the Commission will consider the factors enumerated in
6 Section 634.339(3), Florida Statutes.

7 The next few pages are simply citation
8 changes.

9 On Page 13, Line 3, we have for clarity
10 struck the term "building and/or the." It now reads,
11 "to the demarcation point of the tenant's premises."
12 And on Line 7 we struck the word "should" and inserted
13 "shall." That was as a result of a JAPC comment that
14 the word "should" would not clearly reflect what is
15 required to state that.

16 The next change is on Page 17, merely a
17 clarification, inserting after the words "effective
18 date," the words "of the tariff."

19 Page 18, Line 14, the JAPC wanted to know on
20 what basis would Staff request an amended tariff. So
21 we inserted the words that would tell everyone when the
22 tariff needed to be amended. And that's as of the
23 effective date of the rule if the tariff on file does
24 not comply with subsections (5) and (6) of the rule.

25 On Line 26 it referred to a form, the local

1 exchange service tariff. That form was inadvertently
2 left out of the package, proposed rule. It has now
3 been labeled Schedule A of Form PSC/CMU 36.

4 And the last sentence in that subsection,
5 Lines 27 and 28 -- or Line 27 -- the wording "in
6 general the tariff should" has been changed to "the
7 tariff shall."

8 On Page 19, there is a typographical error
9 corrected. And I believe that's all the changes that
10 we have made to the rule, the proposed rule.

11 MS. MILLER: Are there any questions on those
12 changes? If there is a concern that you think of after
13 you leave today, you're welcome to submit that in
14 post-hearing filings.

15 (Exhibit No. 2 received into evidence.)

16 MS. MOORE: One more exhibit which I have
17 handed out, Exhibit 3, that's entitled "Local Exchange
18 Service Tariff," that is the form that I referred to as
19 Schedule A to Form PSC/CMU 36. I would like that
20 entered into the record.

21 MS. MILLER: It's so entered.

22 (Exhibit No. 3 received into evidence.)

23 MS. MOORE: We would ask Ms. Russo to make
24 the Staff presentation.

25

JULIA RUSSO

1
2 appeared as a witness on behalf of Commission Staff and
3 testified as follows:

4 MS. RUSSO: The purpose of my discussion
5 today is to explain the rule which has been proposed by
6 the Commission. The rule is merely a codification of
7 the existing policy, as reflected in Order Nos. 17111,
8 17369, and 18325. Since Order 17111 came out and
9 became effective, we have been relating pursuant to
10 that order and the subsequent orders.

11 What I would like to do is go through the
12 rule page by page and explain what the rule means.

13 Page 1. On the first section, 25-24.555,
14 this defines the scope of the rule and a waiver process
15 whereby a petitioning company can petition for
16 exemption from applicable portions of Florida Statutes,
17 except certification, or for application of different
18 requirements and otherwise prescribed for telephone
19 companies.

20 Moving on to Page 3. This section,
21 25-24.557, defines the two types of shared tenant
22 service operations. The first, as major company is
23 provided over a key or hybrid system with more than six
24 lines, or over a PBX. The second, a minor company is
25 provided through a key or hybrid system with six or

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1 fewer lines.

2 Now, the purpose for this distinction was so
3 that there could be some relaxed regulatory treatment
4 of the smaller companies. For example, the smaller
5 companies do not have to file tariffs.

6 Moving on to Page 4, Section 25-24.560
7 provides definitions. The definition of "shared tenant
8 services" repeats the definition that is in the
9 statute.

10 There are a couple of points on this page,
11 and on the next page, that are worth noting. First of
12 all, the fact that the definition is the provision to
13 commercial tenants precludes the existence of STS for
14 residential customers. This is an important
15 restriction; the statute restricted the use of STS for
16 residential customers.

17 Another important area to point out is the
18 single-building definition. It is defined as one
19 structure under one roof consistent with the statute.
20 This would mean that a building that is connected by
21 walkways but has two different roofs would be
22 considered as two buildings. It's simply a building
23 under one roof is one building.

24 Moving on to Page 7. This section,
25 25-24.567, Application for A certificate, describes the

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1 certification process. This portion explains that
2 certification is on a location-by-location basis. This
3 means that a provider must apply for and receive
4 certification for each building in which he intends to
5 provide service.

6 I would also point out that on this page the
7 forms are shown, Form 36, which is the application form
8 that we require from a major STS provider. Again, I
9 will note that that one would include the tariff
10 filing. The other form that's mentioned on this page
11 is Form 37, and that is the application for the minor
12 STS provider.

13 Also discussed on Page 7 and the next page is
14 some of the requirements that are part of the
15 certification process that I would like to point out.
16 First, it's necessary that the applicant advise all
17 customers of current rates for local service and the
18 quality of service standards, and that the applicant
19 inform customers that the Commission will not set rates
20 or regulate service quality standards.

21 Moving on to Page 9, and on the next few
22 pages, these sections, 25-24.568, .569 and .572, deal
23 with the improper use of a certificate, sale or
24 transfer of a certificate, and cancellation of a
25 certificate.

1 Moving to Page 12, this section, 25-24.575,
2 lays out the operating requirements for the provision
3 of STS. Some of the major points are that the
4 operating requirements require that STS providers allow
5 LECs direct access to tenants who desire LEC service.
6 A couple of other portions require access to LEC
7 operations for emergency toll service and access to 911
8 where it is available. And subsection (4) requires
9 unrestricted access to all locally available IXCs.
10 This is similar to our requirement for AOS and PATS
11 providers.

12 Several of the restrictions also apply to
13 effectively limit the size of the STS operation. For
14 example, there are requirements that the total number
15 of trunks may not exceed 250 and that switches shared
16 by buildings must have partition trunks. And the
17 customers in one building may not access or use the
18 trunks partitioned for another building. Also, the STS
19 participants may not share WATS without a separate
20 certificate.

21 Another restriction that should be noted is
22 the STS provider may not establish dedicated facilities
23 to an IXC's point of presence, his POP, nor may
24 facilities be constructed to interconnect the
25 buildings.

1 A final restriction deals with
2 intercommunication among unaffiliated commercial
3 entities. This means that the intercoming function may
4 not be used among unaffiliated entities and, instead,
5 seven-digit local calling must apply.

6 Moving on to Page 13, this portion deals with
7 LEC access to the tenant. Several sections, 10, 11 and
8 12, talk about this where the LEC is obtaining access
9 to the tenant for the purpose to provide local service
10 to the tenant. Mr. Taylor will address these points in
11 his testimony wherein his discussion when he talks
12 after the parties present their discussions.

13 Moving on to Page 15, this section,
14 25-24.585, deals with updates to be filed with the
15 Commission, and annual reports that are required.

16 Okay. A final section beginning on Page 17
17 deals with the tariffs. Remember that only the major
18 companies will file tariffs. This notes that tariffs
19 filed must show the local rates per access line for
20 local service, any applicable discounts, a DID number
21 charge, and charges for directory listing.

22 This concludes my discussion of the rule.

23 MS. MILLER: People who would like to ask
24 questions are welcome to do so. I guess we would
25 proceed from the left to the right on that.

1 CROSS EXAMINATION

2 BY MR. MARKS:

3 Q As I understand -- I only have probably one
4 question -- in the term "commercial," that is designed
5 to preclude STS services for only residential use, is
6 that correct, that use of the term "commercial" in the
7 definition of STS?

8 A It precludes any residential customer from
9 receiving STS.

10 Q Does it preclude a tie-in -- it would not
11 preclude then a tie-in with other governmental
12 facilities, or the police or, in the case of an
13 airport, the Federal Aviation Administration, or
14 anything like that?

15 A Well, I need to point out for clarification
16 that an airport is treated separately. And if an
17 airport is in a situation whereby it is sharing trunks
18 for the purpose of moving the traveling public or
19 freight, then those shared trunks do not need to be
20 certificated and it would be considered STS.

21 Q Okay.

22 A So the STS requirements would not apply.

23 Q All right, thank you.

24 A I might clarify, however, that should your
25 airport decide to provide service to nonessential

1 operations, such as shopping malls or hotels, then you
2 would need to be certificated and you may want to
3 address your concern under that scenario.

4 Q I think that answers the question. Thank
5 you.

6 A All right.

7 CROSS EXAMINATION

8 BY MS. KIDDOO:

9 Q I think I have one question. Correct me if I
10 am wrong, but in Commission Order 17111, the STS order --

11 A Yes.

12 Q On Page 12, Section K(1), there is a
13 requirement that the LEC must provide service to any
14 STS tenant requesting it at current tariffed rates, and
15 pursuant to Rule 25-24.066. In the proposed rules, as
16 I read them, there is a requirement that the STS
17 provider allow such direct access by any of its
18 tenants. Is there a rule proposal that reflects the
19 requirement on Page 12 in Section K(1) about LEC
20 obligations to serve tenants in STS buildings?

21 A I do not believe that is written in there,
22 and that may very well be an appropriate sentence to
23 insert.

24 Q I think when we get to AmeriSystems'
25 presentation, I think that that's something that

1 AmeriSystems would like to insert, and I trust that you
2 have no objection, as the Staff, to that kind of an
3 insertion?

4 A They do have an obligation under other rules
5 to do that so that is covered in other rules. However,
6 I personally would not object to including it here also
7 for clarification.

8 MS. KIDDOO: Thank you.

9 MR. PARKER: Just a few.

10 CROSS EXAMINATION

11 BY MR. PARKER:

12 Q Ms. Russo, did you participate in the
13 original shared tenant proceedings which led to the
14 entry of Order No. 17111?

15 A Yes, I did.

16 Q Okay. And were you involved in the
17 recommendation in that case?

18 A Yes, I was.

19 Q And have you been involved in the day-to-day
20 regulation of shared tenant services since that time?

21 A I have, though somewhat in a supervisory
22 role. One of my analysts has been more involved in it
23 than I have.

24 Q And that individual reports to you?

25 A Yes.

1 Q - Based on your knowledge in your supervisory
2 capacity, do you see the need for any modifications to
3 the decision contained in Order No. 17111 with the
4 passage of some three or four years? (Pause)

5 A I can say that I have received no customer
6 complaints. Mr. Taylor will address in his testimony a
7 response that it may be appropriate to look at STS but
8 that that should be done in the context of an
9 investigatory hearing.

10 Q Do you have an opinion as to whether that
11 investigatory proceeding should be initiated at this
12 time?

13 MS. MILLER: Excuse me. I'm trying to
14 understand how that relates to the rule docket here.

15 Q (By Mr. Parker) I believe it is the position
16 of one party that these rules should not be put into
17 effect because there is a need for an adjudicatory
18 proceeding to reexamine the shared tenants industry,
19 and I was just trying to get the Staff's position as to
20 whether there is a need to engage in that endeavor.
21 That's the purpose of the question.

22 A No, I do not have that opinion.

23 Q And I take it any questions regarding --

24 A Excuse me, let me clarify that.

25 No, I do not have an opinion.

1 Q Okay. And I take it that any questions
2 directed to Page 13 regarding facilities and
3 compensation are appropriately directed to Mr. Taylor,
4 is that correct?

5 A Yes, that's correct.

6 MS. MOORE: That's all. Unless we proceed
7 with some of the companies.

8 MS. MILLER: That sounds good. We can start
9 from the left here and whoever would like to present
10 the comments.

11 MR. MARKS: It was my understanding that the
12 procedure would be a little bit different.

13 MS. MILLER: We can work with whatever is --

14 MS. MOORE: I had suggested perhaps that
15 AmeriSystems go first because their position and
16 comments are much broader, and then perhaps Southern
17 Bell, followed by Dade County only because Dade
18 County's comments are in reponse to Southern Bell. GTE
19 is also here and I'm not sure, they have not filed
20 comments.

21 MS. MILLER: Okay.

22 MS. KIDDOO: I have no objection to kicking
23 off this process.

24 I am here, as I said in making my appearance,
25 on behalf of both AmeriSystems Partnership and the

1 Greater Orlando Aviation Authority.

2 AmeriSystems filed comments on the proposed
3 rule on March 16th. The Orlando Aviation Authority did
4 not file comments and is here largely in reaction to
5 comments which were filed by Southern Bell. And I'd
6 like to, like Dade County, reserve any comments based
7 on Southern Bell's requested clarifications and
8 modifications to after Southern Bell has had an
9 opportunity to clarify its written comments and expand,
10 if they are going to do that.

11 With respect to AmeriSystems' position,
12 AmeriSystems is, I think I can safely say the largest
13 shared tenant service provider in the commercial
14 context currently providing service on a shared basis
15 in Florida. To our knowledge there are very few other
16 large shared tenant service operations currently
17 operating in this state. And in AmeriSystems' view
18 this is very likely as a result of both the restrictive
19 nature of the Commission Order 17111, and also changes
20 in the industry, since Commission Order 17111 was
21 adopted, shared tenant services in general nationwide
22 have not developed to the extent that was being
23 projected some four years ago when the record at this
24 Commission was being established.

25 The original shared tenant service order,

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1 17111, explicitly adopted a cautious and careful
2 approach to regulation of shared tenant services.
3 There was a concern raised primarily by the local
4 exchange carrier parties in that proceeding about the
5 impact of sharing of local trunks on local exchange
6 carrier revenues. There were concerns and projections
7 about the expected scope of shared tenant services, if
8 it were permitted to operate without restrictions and
9 special rate structures. And the Commission's order
10 very explicitly, at numerous places, acknowledged those
11 concerns, and while the Commission stated very clearly
12 that those concerns with mere projections and without
13 any empirical basis or any kind of actual studies or
14 foundation for some of the projections of impact on
15 local exchange carrier revenues and the like, the
16 Commission adopted a go-slow approach to shared tenant
17 services and imposed restrictions, noting at each
18 instance when a restriction was adopted, that it was
19 being adopted as a measure which would allow the
20 Commission to maintain control and to make sure that
21 there was, in fact, no adverse impact on local exchange
22 carrier revenues.

23 I would point, as I think our comments did,
24 to some examples in the Commission's Order No. 17111
25 where the Commission specifically talked about the need

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1 to adopt a careful and cautious approach initially to
2 shared tenant services.

3 For example, on Page 10 of the Commission's
4 order where they were discussing the restrictions and
5 conditions under which shared tenant services may be
6 offered, the Commission stated "That these restrictions
7 are appropriate because this service is new and we
8 desire to begin regulation in this area cautiously to
9 ensure protection of all end users.

10 Other examples of the lack of any empirical
11 evidence that shared tenant services would indeed have
12 an impact on local exchange carrier revenues can be
13 found, for example, on Page 9 of the order, in which
14 the Commission stated that no clear evidence has been
15 presented to support the LEC claims that STS will
16 result in lost revenues. We find the evidence
17 presented will not allow us to accurately assess the
18 significance of any potential revenue loss. We are,
19 therefore, convinced that the effect of STS on local
20 exchange rates remains as yet unknown. We have,
21 therefore, imposed certain restrictions and conditions
22 of service which we have identified in this order."

23 Another example is on Page 8, where they are
24 talking about revenue losses, and the Commission states
25 that "Studies providing estimates of revenue losses

1 were merely forecasts or projections. Furthermore,
2 these studies cannot be relied upon as actual revenue
3 losses but what must be looked upon as potential
4 changes in the future flows of revenues if the market
5 penetration assumed in this studies were to occur."

6 Finally, one last example, on Page 7 of the
7 Commission's order, the Commission states that,
8 "Several parties to this docket advanced the belief
9 that the availability of STS would increase if this
10 Commission were to adopt rules authorizing such
11 arrangements. While the suggestion may prove to be an
12 accurate prediction of the future course of events, no
13 data was present to support such a finding at this
14 time."

15 It is AmeriSystems' view that the
16 Commission's Order 17111 very clearly and explicitly
17 stated, at all of those and other numerous references,
18 that it was being adopted as an initial approach to an
19 industry that they had no basis to know exactly how it
20 would develop. And they adopted what, frankly, in the
21 context of other states across the United States, is a
22 very restrictive and very limited authorization of
23 shared tenant services.

24 It's AmeriSystems' view that if the
25 Commission were to address shared tenant services today

1 in a investigative proceeding, as Ms. Russo suggested
2 it might, it in all likelihood would not find that the
3 STS industry has developed to the extent that was being
4 predicted by local exchange carriers back four years
5 ago when the record in this proceeding was developed.

6 We don't believe that there is any basis
7 right now to codify into rules the provisions of the
8 order which was issued back in January of 1987, which
9 explicitly talked about an initial approach. It seems
10 to me that rules, at this point in time, are number
11 one, not necessary. The order is, in fact, in effect.
12 Companies are, in fact, abiding by it. It does, in
13 fact, provide the exact same guidance that the proposed
14 rules seek to codify. And we think that in all
15 likelihood, if the Commission wants to adopt rules at
16 this time, it ought to do so based upon an
17 investigation of the marketplace as it exists in 1990,
18 and not as it existed in 1986. It's a very different
19 marketplace. If the Commission wants to adopt rules,
20 then I think that they need to investigate that
21 marketplace and adopt appropriate rules at that time.
22 I don't see any reason to adopt rules that were adopted
23 or that were imposed three years ago as an initial very
24 cautious and tentative scheme of regulation.

25 That having been said, should the Commission

1 decide to go ahead and adopt rules at this time based
2 on Order No. 17111, it ought to do exactly what I
3 understand the Staff to be proposing, which is to adopt
4 and codify existing rules from Order No. 17111.
5 Clearly, this is not the proceeding, as Ms. Russo
6 alluded to, to investigate and consider changes to
7 rules that were developed on the basis of full hearings
8 and a record at the time that the order was
9 established.

10 We would very strongly oppose any
11 modifications to Order No. 17111 in the proposed
12 codification at this time, and should the Commission
13 not -- should the Commission decide to go ahead and
14 adopt rules, it ought to do so on the basis of the
15 order and the record that was developed back in 1986
16 and '87, and not consider changing those rules as
17 suggested by Southern Bell.

18 I think that's my position. Thank you.

19 MS. MILLER: I've read the comments that have
20 been provided. You did not provide any alternative
21 rule language, is that correct?

22 MS. KIDDOO: That's correct. It was our
23 understanding, as we said in Footnote No. 7 in our
24 comments, that the Commission here was simply proposing
25 to codify earlier orders and did not necessarily intend

1 proposed rules, and as clarified today by Ms. Russo, I
2 think AmeriSystems believes that the proposed rules
3 fairly do reflect the provisions of Order 17111. Our
4 comments really go to the whole issue of whether
5 proposed rules codifying Order 17111 are necessary at
6 this time or are appropriate.

7 MS. MILLER: Thank you.

8 MS. KIDDOO: If I may, I would like to, on
9 behalf of my other client, the Orlando Aviation
10 Authority, reserve an opportunity to make some
11 comments, if necessary, based on anything that Southern
12 Bell may say.

13 MS. MILLER: That sounds fair. We'll have an
14 opportunity for many people to have additional
15 comments.

16 As far as questions at this point, can we
17 start this way and move forward?

18 MR. MARKS: No questions.

19 MR. ANTHONY: As in questions to Ms. Kiddoo?

20 MS. MILLER: Yes.

21 MR. ANTHONY: No. We don't have any
22 questions of Ms. Kiddoo. We have a position on several
23 things she has stated, but we don't have any questions.

24 MR. PARKER: No questions.

25 MS. KIDDOO: Thank you. Thank you very much.

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1 MS. MOORE: Staff does not have any
2 questions. Are we going to move on to the next
3 company? (Pause) I believe that's Southern Bell.

4 MR. ANTHONY: I didn't have a batting order,
5 I'm sorry.

6 First of all, in response to AmeriSystems'
7 comments, any problems that may exist that they feel is
8 affecting the development of the STS industry is a
9 result of the statutory requirements limiting it to
10 single building, commercial tenants and so forth.

11 If it is true that have no problem with
12 simply reducing the existing orders to rulemaking, that
13 has no effect upon the rates that are being charged.
14 What I'm saying is, the problem they seem to be raising
15 is the rate structure. There is nothing about rate
16 structure or rates being put into the rule; therefore,
17 that should have no effect whatsoever upon whether the
18 orders in the existing tariff is reduced to a rule, so
19 I don't see there is any problem there. If they have
20 got a problem, it's with the statutory requirements.

21 Southern Bell also agrees that all this is is
22 a codification hearing. We're simply reducing existing
23 orders and tariffs to rule. The only proposals that we
24 made were clarifications, not changes. Those changes
25 and clarification -- I mean, excuse me, those

1 clarifications center around a problem that is arising
2 in the industry where a multitenant building owner
3 attempts to whole and the tenant, so to speak, hostage
4 by saying, "Southern Bell, you drop your cables off at
5 the property line and you will use our conduit and in
6 some instances our wiring to reach the tenant on, say,
7 the fifth floor of the multitenant building."

8 The STS tariff is clear that Southern Bell
9 has a right to directly access all tenants requesting
10 service. The tenant has a direct right to ask for
11 direct service from Southern Bell. If Southern Bell
12 elects totally in its option or any LEC, L-E-C, elects
13 to use the wiring provided by the building owner or the
14 STS provider, then a reasonable compensation must be
15 paid. That's clear in the A-23 tariff. However, it is
16 not Southern Bell's duty to compensate a landowner or a
17 property owner or a residence, or anyone else, for
18 easements or conduit or support structures, as they are
19 referred to in the tariff, A-5 in particular, to reach
20 that tenant. The support structures must be provided
21 free of charge to the local exchange company. Only
22 wiring, if the local exchange company so chooses to
23 use, must be paid for.

24 That's the only clarification that we propose
25 to the rule, and that clarification would not be needed

1 if it were not for certain property owners, not
2 necessarily STS per se property owners, that are
3 attempting to use what may be not expressly stated as
4 an attempt to charge for the use of conduit space. So
5 we agree it's simply a codification. Thank you.

6 MS. MILLER: Okay. Any questions of this
7 participant?

8 MS. RUSSO: I have one if I might.

9 Can you provide us with dates, locations and
10 specific instances in which what you are discussing has
11 occurred?

12 MR. ANTHONY: Certainly. We'll be glad to.

13 MS. RUSSO: Thank you.

14 MR. MARKS: On behalf of the Dade County
15 Airport, unless there is some questions for Mr.
16 Anthony, we don't have any questions for Mr. Anthony at
17 this point.

18 MS. KIDDOO: I may have a question or two if
19 you give me just a moment. (Pause)

20 With respect to your proposed clarifications,
21 Mr. Anthony, I guess the first question I have is in
22 Paragraph 3 of your comments on Page 2, you have a
23 proposed requirement that the STS applicant notify
24 customers of a customer's statutory right to receive
25 service. Where is that set forth in Order No. 17111?

1 MR. ANTHONY: I beg your pardon, Ms. Kiddoo.
2 I thought I handed you before the proceeding started a
3 marked-up rule.

4 MS. KIDDOO: Oh, you've changed your
5 comments. I'm sorry, I didn't realize that.

6 MR. ANTHONY: All right. We have wish lists,
7 and then we have -- we definitely need to see a change.
8 And that was simply a comment that it might be helpful
9 to have that in there, but that's not a sticking point.
10 We're not -- the changes we feel absolutely have to be
11 made are in the proposed rule that I --

12 MS. KIDDOO: I'm sorry. I did not realize
13 that there was a change of your comments. I haven't
14 had an opportunity to review it.

15 MR. ANTHONY: I'm sorry. The only change of
16 any substance is on Page 11 of what I handed out. The
17 rest of them are similar to what the Staff did, which
18 is clean it up based upon the 364 rewrite change,
19 "telephone" to "telecommunications," and then make some
20 changes to the statutory reference.

21 MS. KIDDOO: With respect, then, to the
22 change concerning the clarification that facilities
23 should be clarified by adding the terms "support
24 facilities," such as conduit, is it your position that
25 Southern Bell in all cases in Florida has the right to

1 use at no cost conduit to reach tenants in a
2 multitenant building?

3 MR. ANTHONY: Yes.

4 MS. KIDDOO: Is there a Commission rule or
5 statute that provides that?

6 MR. ANTHONY: Yes. If I were to refer you to
7 Tariff A-5, in particular A-5.2.5, states that
8 "Supporting structures on private property beyond a
9 mutually agreeable point is the responsibility of the
10 customer." and further provides that "commercial
11 property owners are responsible for the provision of
12 an underground conduit system from a service point
13 designated by the LEC to a mutually agreeable
14 termination point inside commercial buildings."

15 And it's a long-standing practice throughout
16 the state of Florida that the support structures must
17 be provided free of charge or else Southern Bell has no
18 obligation to provide service to the building.

19 MS. KIDDOO: Given that tariff requirement
20 which pertains to all multitenant structures, according
21 to what you have just read, isn't really the
22 appropriate place to change or to question the
23 practices in a specific shared tenant arrangement a
24 complaint procedure concerning the compliance of a
25 particular STS provider with that tariff provision?

1 Why do we need to change the order in 17111 on that
2 specifically for STS providers?

3 MR. ANTHONY: I think the Miami-Dade Airport
4 may think you and I are in collusion. You're setting
5 me up to make some speeches.

6 That would not be necessary but for, as my
7 understanding, the airport seizing upon the exception,
8 so to speak, language in Order 1711 regarding airports;
9 considers itself to be sort of an uncertificated STS,
10 that it is allowed -- that the STS rules apply to it in
11 certain circumstances and it does not in others. And
12 we're -- since that is sort of a hybrid -- we don't
13 agree with their position, but since that has arisen,
14 we felt in this situation it would help clarify things.
15 That in an STS environment if they are going to use the
16 language from Rule 17111 and 17369, that it be made
17 clear that conduit support structures must be provided
18 in an STS environment, just like in any other
19 environment, free of charge in order for us to reach
20 the tenant directly. That's how this arose. I
21 couldn't agree with you more that this is a STS
22 proceeding and this may be something that shouldn't
23 have come up.

24 MS. KIDDOO: Well, Mr. Anthony, I'm pleased
25 that I gave you an opportunity to make a speech. But

1 let me, if I might, respond on behalf of AmeriSystems.

2 Tariff A-5 speaks for itself it seems to me.

3 And AmeriSystems has an objection to changing the STS
4 rules at this point in time. If there is a problem
5 with a specific STS provider, it seems to AmeriSystems
6 that that problem ought to be addressed and tariff A-5
7 ought to be looked at to see whether, in fact, it does
8 give Southern Bell a right to free conduit in any and
9 all circumstances in Florida. If it's interpreted that
10 way by the Florida PSC, then that's the way it is. I
11 have an objection very strongly to prejudging the
12 outcome of that proceeding and the interpretation of
13 Tariff A-5 in these STS rulemaking proceedings. And I
14 realize that wasn't the question. That was a comment.

15 The other comment, if I might, that I'd like
16 to make on Mr. Anthony's presentation is the -- his
17 referral to the fact that there are no rate
18 requirements in the proposed rules and that, therefore,
19 AmeriSystems shouldn't have any objection to adoption
20 of the codification of the STS order.

21 There are other things and restrictions in
22 that tariff, Mr. Anthony, that AmeriSystems has
23 substantial problems with, such as the trunk limitation
24 to 250 trunks; requirements of the way in which STS
25 providers have to interconnect and a variety of other

1 issues that we think that if the Commission were to
2 undertake an investigation of STS today, we would
3 certainly seek changes of. So it's not just a question
4 of the rates that were -- were the problem that I was
5 raising.

6 One last clarification question, if I might.
7 You said that the only change that you are now
8 recommending be adopted in your proposal has to do with
9 the conduit issue. I, therefore -- can I take it as
10 your position that you're not suggesting at this point
11 that the exception allowing airports to provide service
12 to separate entities such as hotels by partitioning
13 trunks needs to be clarified or changed in any way?

14 MR. ANTHONY: You're referring to the change
15 on Page 10 of my proposed rule?

16 MS. KIDDOO: I was referring to your comments
17 on Page 3.

18 MR. ANTHONY: On Page 10 we did add some
19 language to clarify what is meant by "partition. " The
20 word "partition" is clear to Southern Bell, but it
21 appeared that to some people what that word meant was
22 not clear so we just tried to clarify it again.

23 We're sort of indifferent. We can go around
24 the room and everybody agree on a definition of
25 partition. We're just trying to make sure there

1 weren't any future disputes, which is the same thing
2 that we're trying to do with the access problem.

3 MS. MILLER: I don't believe I have a copy of
4 that set of rules you're referring to because I have
5 your comments -- (Pause)

6 MR. MARKS: Excuse me. I've got a question.

7 I've got a document here that has no title to
8 it, but it looks like a set of the rules with some
9 changes, and there's nothing in the top of it.

10 MR. ANTHONY: That's Southern Bell's. That's
11 what I handed to you when I shook your hand.

12 MS. MOORE: Would it be helpful to mark that
13 as an exhibit perhaps?

14 MS. MILLER: That's what I'm thinking. So
15 this is Southern Bell's suggested language revisions to
16 the rules.

17 MR. ANTHONY: Yes.

18 MS. MILLER: Is that correct, and so this
19 would become what, Exhibit 4?

20 MS. MOORE: That's correct.

21 (Exhibit No. 4 received into evidence.)

22 MS. MOORE: The court reporter needs a copy.

23 MR. ANTHONY: Anyone else need a copy while
24 I'm up? (Pause)

25 MS. MILLER: So the language that's

1 underlined and the language that has the strike-through
2 are Southern Bell's recommended changes --

3 MR. ANTHONY: That's correct.

4 MS. MILLER: -- to the rules.

5 MS. KIDDOO: So, Mr. Anthony, just to be
6 completely clear here then, you're proposing to, in the
7 section Paragraph 5 on Page 10 where you clarify --
8 propose to clarify what partitioning means, that's the
9 only clarification you're proposing at this point with
10 respect to the type of partitioning that an airport
11 needs to engage in under the circumstances of providing
12 separate entity service.

13 MR. ANTHONY: That's correct.

14 MS. KIDDOO: So there are no further
15 modifications to the airport exemption that you're
16 proposing at this point.

17 MR. ANTHONY: Right. That's correct.

18 MS. KIDDOO: Thank you. (Pause)

19 MS. MILLER: Are there any further questions
20 of this participant? I just have one.

21 So if you were to do a walk-through of these
22 suggested language revisions, it looks like your first
23 major revision is on Page 10, is that right? And
24 that's the language added that says, "may not be
25 shared."

1 MR. ANTHONY: That's correct.

2 MS. MILLER: And the purpose of that proposed
3 change is?

4 MR. ANTHONY: To clarify the word
5 "partitioned." There was some concern as to everyone
6 understand what's meant by "partition trunk," or a
7 petitioning on the trunk side of the switch, I'm sorry.
8 And the only other substantive change is on Page 11.

9 MS. MILLER: Right. Thank you.

10 MR. MARKS: We would agree with Mr. Anthony
11 that the only other substantive change is on Page 11.
12 And as a matter of fact, it's not really a
13 clarification at all but it is, indeed, a substantive
14 change to the rule. And it goes far beyond
15 clarification and far beyond codifying what's existing
16 in Order 17111. And we would object.

17 We have presented to you and to the
18 Commission, in the form of our comments, what we
19 thought was appropriate for any changes or any
20 clarifications of the rule.

21 In actuality what we believe at this point in
22 time are that, there are no changes that are necessary
23 in the current rule or as noticed by the Commission.

24 Significantly, if you look at Paragraph 10,
25 those are, as I've indicated before, some wholesale

1 changes that we simply cannot agree with. We simply
2 believe that when it gets to the cost of providing
3 certain services to our facilities, there is a cost
4 involved and that the local exchange company should be
5 responsible for those costs.

6 In Paragraph 11, "if the LEC chooses to use,"
7 that certainly is a significant change to that
8 particular paragraph. And it leaves a discretion to
9 the local exchange company under these circumstances
10 which we believe is unwarranted. So under those
11 circumstances we would believe or we would have to
12 state that we would disagree and object to the changes
13 as proposed by Southern Bell.

14 We want to reemphasize as much as we possibly
15 can, that this is a codification of the order that was
16 passed by the Commission several years ago, and that
17 the -- that any proposed rules at this point in time
18 should be consistent with that order.

19 I would agree with Ms. Kiddoo and agree with
20 the Staff that possibly if an investigation is
21 warranted, to look at other factors associated with the
22 shared tenant services. We will be happy to
23 participate in those hearings. But other than that, I
24 don't know if we have any other comments that we would
25 like to make at this point in time.

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1 MS. MILLER: So is it your position that
2 Staff's proposed rules, you don't have any concerns
3 with those as proposed?

4 MR. MARKS: As we have received them today by
5 Staff, we believe that those rules are appropriate.

6 MS. MILLER: Thank you.

7 Questions?

8 MR. ANTHONY: I have a question, please.

9 Is it the position of the airports that
10 Southern Bell must pay the airport to use conduit space
11 in order to reach, say, Eastern Airlines or any tenant
12 inside the airport campus?

13 MR. MARKS: Mr. Abbott, from the airport.

14 MR. ABBOTT: In a word, yes.

15 MR. ANTHONY: So just so that the Commission,
16 and everyone here, is abundantly clear on exactly what
17 the status is out at the airport, Eastern Air Lines
18 calls and says, "I want direct telephone service to our
19 terminal," or whatever it is call, "on the airport
20 campus." Southern Bell goes out to place the
21 facilities, it needs to run some cable out to Eastern
22 Air Lines. The airport has conduit space; Southern
23 Bell begins to use it, and the airport says, "I'm
24 sorry, we're going to charge you a fee for that use,"
25 is that correct?

1 MR. ABBOTT: You are bringing up a host of
2 problems that are probably better addressed in another
3 form in another case before the Commission. All that
4 you are talking about requires an analysis of what
5 conduit is there, what cable is there, why Southern
6 Bell is choosing to take the particular position it is
7 choosing at that particular time. I don't think that
8 kind of an inquiry is appropriate in this context.

9 But, essentially, it is the airport's
10 position that, given the incredible infrastructure that
11 the airport has already put in at its cost, including
12 conduit that criss-crosses 3200 acres of airport, that
13 when Southern Bell has to make use of that conduit,
14 because it simply can't run a conduit across a runway,
15 or it cannot run a conduit parallel to a conduit that
16 is already there, and shouldn't be allowed to, that,
17 yes, Southern Bell should be required to pay a
18 reasonable compensation. We think that's a natural
19 consequence of the Order No. 17111, and it certainly is
20 a natural consequence of what the FPSC's proposed rule
21 would be.

22 MR. ANTHONY: This is more than a question,
23 and, as Ms. Kiddoo did, I would like to comment rather
24 than ask another question.

25 MS. MILLER: We will allow that comment, but

1 I would like to try to keep us focused on the rule
2 language. Additional points can be submitted in post-
3 hearing filings, but it does seem to me that we are
4 straying from the rule language and the purpose of the
5 rules. But since each of you has had a chance to
6 address this, go ahead.

7 MR. ANTHONY: I will not leave this point,
8 but I just wanted to demonstrate how that reasoning --
9 what happens to the entire structure of things in this
10 state. Hold on one second, please. (Pause)

11 If we can all see the drawing that is here on
12 the easel. (Pause)

13 MR. MARKS: I realize that we are in a
14 rulemaking proceeding but I'm not quite sure what Mr.
15 Anthony is intending to present at this point in time,
16 and he has indicated that this is going far beyond what
17 normally is -- how it is affecting the entire state or
18 how it is affecting the entire structure of
19 telecommunication services, or something of this
20 nature. And I don't know if that is appropriate for
21 this type of rulemaking hearing at this point.

22 MR. ANTHONY: Let me just state it first and
23 then if Mr. Marks continues to have a problem.

24 As the airport stated, they have got this
25 conduit system underneath the concourses, and whatever,

1 and if Southern Bell were allowed to come out and share
2 its own conduit, that that would disrupt things and
3 cause lots of problems; thus, Southern Bell should have
4 to use the existing conduit and, in addition to that,
5 we should have to pay for it.

6 Well, that same rationale applies to almost
7 any multi-tenant building in any downtown urban area,
8 it can then be skewed -- well, I won't even show the
9 pictures. That's fine.

10 If that's true there on the airport, it's
11 true of multi-tenant buildings, and it's true when
12 Southern Bell goes out to lay cable for any customer
13 who, "Gee, I've got a nice centipede or St. Augustine
14 lawn out there, I've already got some conduit for
15 something else, why don't you use that and pay me for
16 its use?"

17 The tariffs are clear in all circumstances
18 that in order for us to get to a customer, the support
19 structure has got to be provided. Force us to let the
20 airport hold us hostage, force us to use the conduit,
21 force Eastern Air Lines to deal with them, the airport,
22 in order for us to get the service to them, where do
23 you draw the line after that? Thank you. (Pause)

24 Page 148 of the transcript from the STS
25 hearings, and which Mr. Marks was the Chairman at that

1 time, Staff Witness Norton on the next one, No. 3,
2 would make a slight modification the way it reads
3 saying that, "The LECs should provide reasonable
4 compensation for such facilities as riser cable." And
5 we had originally put in "and conduit space." And it
6 was brought to our attention on several occasions that
7 it is currently in the tariffs; that it is the
8 responsibility of the subscriber to provide floor and
9 space at their own expense. So we would like to modify
10 the recommendation to delete the words, "conduit space
11 having to be compensated."

12 Therefore, that should be the responsibility
13 of the STS provider. We are not trying to change
14 anything, we are just simply trying to clarify the
15 existing rules. That's Pages 148 and 149 of the
16 transcript.

17 MS. MILLER: I will be sure to bring this
18 issue to the attention of the full Commission when I
19 prepare a recommendation.

20 Are there any other questions of this
21 participant?

22 MS. KIDDOO: No. I did, however, on behalf
23 of the Greater Orlando Aviation Authority, request an
24 opportunity to respond to the Southern Bell proposal
25 insofar as it affects the airports.

1 The Greater Orlando Aviation Authority, or
2 GOAA for the reporter's benefit, does not necessarily
3 take a position on this issue, as far as what the STS
4 order and what the Commission's rules and tariffs in
5 general provide with respect to the availability of
6 conduit. That issue, given, I think, that the debate
7 between Dade County and Southern Bell, however,
8 illustrates exactly the concern that I raised earlier
9 on behalf of AmeriSystems in which GOAA shares about
10 modifying the language of the STS Order in the context
11 of this ratemaking proceeding.

12 The STS order says exactly what the STS order
13 says. There is obviously a disagreement as to the
14 interpretation of that order. That order was adopted
15 at the end of a long hearing. It says what it says,
16 and if the Commission is going adopt rules, it ought to
17 reflect what that order says.

18 If Mr. Anthony relies on his Tariff No. A-5
19 to support his position about the need for availability
20 of free conduit space in the context of the airport, or
21 in any multi-tenant building, that is something for
22 Mr. Anthony to take up with the Commission. There is
23 absolutely no justification, though, to do that in this
24 rulemaking proceeding.

25 There is clearly a debate as to what the

1 Commission's rules, in fact, do provide. And whether
2 Mr. Anthony's reading of Tariff A-5 in the STS order is
3 correct, or whether Dade County's reading of Tariff A-5
4 in the STS order is correct, then there is no basis for
5 changing them in this rulemaking proceeding. If the
6 Commission wants to investigate that issue, if there is
7 a specific problem involving a specific location, the
8 Commission ought to investigate that. But this
9 rulemaking is not the time to change the rules.

10 GOAA agrees with Dade County that this
11 language clearly does change the rules. It adds
12 something; whether it's a clarification or a new
13 restriction, I don't think this is the place to decide
14 that. It changes the rules. And I think it's GOAA's
15 position that this is not the forum to do that. And,
16 to the extent that there is a disagreement between
17 Southern Bell and Dade County, it very clearly
18 indicates that this is an issue that should not be
19 addressed in the context of a rulemaking proceeding.

20 It is one that is going to require, number
21 one, factual evidence; and number two, legal arguments
22 as to what the Commission's rules do, in fact, require.
23 And the Commission is going to need to interpret its
24 rules in order to resolve the dispute. It should not
25 do that in the context of a rulemaking proceeding in

1 which there is not an opportunity for the parties to
2 present the evidence on the specifics of a particular
3 problem, and ask for an interpretation of the tariffs
4 and the Commission's orders.

5 And it's certainly GOAA's position that the
6 rule not be changed as requested by Southern Bell.

7 Thank you.

8 MS. MILLER: Do we have any questions of this
9 participant in this position?

10 MR. MARKS: None.

11 MS. MILLER: Do you wish to make any
12 comments?

13 MR. PARKER: Yes, thank you.

14 General Telephone didn't file comments in
15 this proceeding because, quite honestly, we were not
16 aware that there was a controversy. It was our
17 understanding that this docket was to codify Order
18 17111. We read the proposed rules of the Commission;
19 we thought that that is exactly what was done. It then
20 came to our attention subsequently, as comments came
21 in, that apparently there are those who take the
22 position that the local exchange carrier is supposed to
23 pay compensation to place our cable into an STS
24 conduit.

25 As I understand the STS order, if you use the

1 cable, or the wiring of the STS provider, you are then
2 required to pay compensation. However, if you merely
3 are placing your facilities into an STS provider's
4 conduit, there is no compensation required. And as
5 Mr. Anthony just pointed out, this point was discussed
6 with the Commission. It was removed --

7 The statement of Ms. Kiddoo that you are
8 changing the rule is a non sequitur. Those rules are
9 stated by the Commission with that excluded. So you
10 don't need to restate the rule particularly to put that
11 requirement back in unless there is an apparent
12 ambiguity being raised by other parties of record,
13 which there is.

14 So there is no changing to the rules. It is
15 entirely consistent with the Commission's prior order,
16 as stated by Mr. Anthony.

17 To allow this matter to fester creates an
18 extreme dangerous precedent before this Commission. I
19 am not aware of any instance where a utility company
20 pays compensation to gain access to a customer's
21 premise through conduit. It is no different than if a
22 R-1 customer says, "I want R-1 service." They call up
23 General Telephone; General Telephone comes out to the
24 house and they say, "You can't drop your wire until you
25 pay me for an easement across my yard to hook the

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1 telephone service up." It is the exact same thing.

2 So that is the reason that we are here in
3 this proceeding is on the facilities issue, and we
4 concur in the comments of Southern Bell. Thank you.

5 MS. MILLER: So, basically, you support the
6 language that Southern Bell has submitted on Page 11 of
7 their exhibit, Exhibit No. 4?

8 MR. PARKER: That is correct.

9 MS. MILLER: Are there any questions of this
10 participant? (Pause)

11 MR. MARKS: No, I don't have any questions
12 for Mr. Anthony -- I mean Mr. Parker.

13 MS. KIDDOO: I have one question, and I
14 actually forgot to ask Southern Bell this question, but
15 maybe General could answer it for me.

16 I asked the Staff witness, Ms. Russo, a
17 question about a provision in the STS order No. 17111,
18 on Page 12, where the Commission required the local
19 exchange carrier to provide to any STS tenant
20 requesting it at current tariffed rates, and pursuant
21 to Rule 25-24.066. Does General Telephone have any
22 objection to, since the rules are to be a codification
23 of the STS order, to including that provision in the
24 rules?

25 MR. PARKER: I don't have any objection to

1 including that in the rules as long as Dade County has
2 no objection to requiring any notice to their
3 customers. This is their LEC's obligation to serve,
4 which they have to date objected to.

5 MS. KIDDOO: Well, I guess I'm not quite
6 clear on how the two things are joined together. The
7 Commission's order does provide that the LEC must
8 provide service to any STS tenant requesting it at
9 current tariffed rates, is that correct?

10 MR. PARKER: That's what it says.

11 MS. KIDDOO: Does the STS order require that
12 STS providers inform customers of that obligation?

13 MR. PARKER: No. But it would certainly seem
14 to be in the same spirit in educating customers and
15 putting things on the public record that if you do one,
16 you do the other.

17 MS. KIDDOO: Well, I guess I'm not quite
18 clear. I thought that what we were doing here, and
19 what your understanding of what the Commission was
20 doing, was codifying the STS order. Wasn't that what
21 you said? I thought that's why you didn't file
22 comments.

23 MR. PARKER: That's what I said.

24 MS. KIDDOO: And this provision is in the STS
25 order, is it not?

1 MR. PARKER: That is correct; likewise is the
2 requirement that service be rendered to end-user
3 customers if they so desire, so it's the same thing.

4 MS. KIDDOO: All right. And I believe that
5 is reflected in the codification, is that right?

6 MR. PARKER: So if you put in one, put in the
7 other.

8 MS. KIDDOO: Okay, but that doesn't include
9 any obligation on behalf of the STS provider to provide
10 specific notification of LEC obligations to its
11 tenants, does it?

12 MR. PARKER: The order does not so state.

13 MS. KIDDOO: So what I gather is -- is what
14 you are saying, in trying to tie those two obligations
15 together, that unless the STS provider notifies his
16 customers of the LEC's obligation, that the LEC should
17 not need to provide service to a specific tenant?

18 MR. PARKER: I don't believe I said that.

19 MS. KIDDOO: So it's General's position that
20 under the STS order, it does, in fact, have an
21 obligation to provide service to any STS tenant
22 requesting it at current tariffed rates?

23 MR. PARKER: As long as I have ingress and
24 egress to get there free of charge, that's correct.

25 MS. KIDDOO: Okay. If the tenant requests a

1 service that is not part of the shared system, you have
2 an obligation, as General Telephone, to provide that
3 service, is that correct?

4 MR. PARKER: Would you repeat that?

5 MS. KIDDOO: If a tenant requests service
6 that's not part of the shared STS system, General
7 Telephone, under this provision of order No. 17111, has
8 an obligation to provide that tenant service, isn't
9 that correct? In other words, if the service is not a
10 part of the shared tenant system and the individual
11 tenant requests it, General has an obligation to
12 provide it, isn't that correct?

13 MR. PARKER: If he provides me ingress and
14 egress, that's correct.

15 MS. KIDDOO: Thank you. No further
16 questions.

17 MS. MILLER: Southern Bell, any questions?

18 MR. MARKS: May I ask Mr. Parker one
19 question?

20 Mr. Parker, you indicated in your comments
21 that you don't know of any circumstances where any
22 utility company has to pay for conduit space to access
23 an end user. Did you mean that for electric companies,
24 water and sewer companies, and those companies, too?

25 MR. PARKER: Telephones companies, Mr. Marks.

1 MR. MARKS: You did not mean it for electric
2 companies or anybody else, did you?

3 MR. PARKER: I just said for telephone
4 companies.

5 MR. MARKS: All right. Thank you.

6 MS. MILLER: Ms. Moore, do you have any other
7 questions?

8 MS. MOORE: No questions.

9 MS. MILLER: What I would like to do is take
10 a five-minute break and come back. Thanks.

11 (Brief recess.)

12

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13 MS. MILLER: Okay. We're ready to get
14 started again.

15 I think we're at the point now where we have
16 just one more set of comments, and that would be from
17 Mr. Taylor, is that correct?

18 ALAN TAYLOR,
19 appeared as a witness on behalf of the Commission Staff
20 and testified as follows:

21 MR. TAYLOR: Yes. I just want to state
22 Staff's position on many of the comments of the
23 parties.

24 First, regarding Southern Bell's argument
25 that the STS applicant be required to notify its

1 customers of the customer's statutory right to receive
2 service from the local exchange company, the proposed
3 rule addresses the customer's right to local exchange
4 service. We agree with Dade County that an affirmative
5 declaration from the STS provider to its customers
6 would impose an unnecessary burden and expense on
7 exempt airport providers. We do, however, require STS
8 providers other than noncertificated airports to
9 provide notification to each of their customers that
10 rates and service is not regulated by the Florida
11 Public Service Commission.

12 With respect to Southern Bell's suggestion
13 that Subparagraph 10 of the proposed rule be clarified
14 by adding support facilities or conduit in reference to
15 the rule provision that the LEC must be able to gain
16 access to all facilities up to the demarcation point of
17 the tenant's premises, we believe the rule clearly
18 states the Commission's intent that the LEC shall be
19 unrestricted in gaining the necessary access to all
20 facilities. We believe any attempt to qualify the
21 types of facilities would only leave the rule open to
22 interpretation on differentiating between support and
23 nonsupport facilities. However, it's currently in the
24 tariffs that it is the responsibility of the subscriber
25 to provide floor space at their expense; therefore, we

1 believe conduit space is the STS provider's
2 responsibility.

3 As to including the definition of the
4 demarcation point as suggested by Southern Bell, we
5 recommend incorporating this definition by reference.

6 Regarding Bell's suggestion that the proposed
7 rule be amended to exclude the language requiring the
8 LEC to provide reasonable compensation in order to use
9 the building support facilities to gain access to an
10 end user, again, we don't agree that there should be a
11 distinction between support and other facilities, and
12 the proposed rule should not be amended.

13 The rule requires the LECs to compensate STS
14 providers or the building owner when the LECs use
15 non-LEC facilities. We believe that's appropriate.

16 We also agree with Dade County's position
17 that the non-LEC parties have incurred cost on
18 providing the facilities and it would constitute a
19 substantive to the LECs if they were allowed to use the
20 facilities without compensation. We note also,
21 however, that airports are not always certificated STS
22 providers and when they are not, we don't believe
23 compensation by the LEC to non-STs entities, such as
24 airports, has been addressed by the Commission and we
25 don't propose to do so in the rules.

1 Our position with respect to Bell's statement
2 that the exception which allows airports to partition
3 trunks to serve separate entities, such as a hotels, is
4 ambiguous and requires clarification, is that we agree
5 with Dade that more information is required before we
6 can determine if clarification is necessary.

7 Concerning Southern Bell's suggestion that
8 the rule be amended to require airports to furnish
9 conduit in order to allow the LECs to be able to
10 directly access any entity located in the airport
11 facility that wishes to receive LEC service, under the
12 provisions of the rule, the LEC must be able to gain
13 access to the tenant's premises, and it is the LECs
14 responsibility for provision and maintenance of the
15 network to the tenant's demarcation point.

16 We encourage negotiated agreement between LEC
17 and non-LEC providers. We do not believe that the
18 Commission should mandate that non-LEC facilities be
19 made available for LEC use. We also note that the LEC
20 need not compensate the STS provider more than the
21 incremental cost it would incur itself to install the
22 access lines.

23 Regarding AmeriSystems' argument that STS
24 restrictions should be relaxed and the requirements
25 should not be codified, we believe the Company has made

1 general statements that the STS providers are not a
2 dominant force in Florida and refers to increases in
3 General Telephone's revenues in the Tampa area.
4 However, this limited information does not justify, in
5 our view, changing the STS requirements. If
6 AmeriSystems believes the STS requirements should be
7 relaxed, then they should petition for a hearing rather
8 than intervene in a rule making. And that concludes my
9 comments.

10 MS. MILLER: Do you have any questions of Mr.
11 Taylor?

12 MR. MARKS: I agree -- I don't have any
13 questions Mr. Taylor if that's where we are. No
14 questions for Mr. Taylor.

15 MS. KIDDOO: Mr. Taylor, was it your
16 understanding that AmeriSystems was requesting that the
17 Commission change the existing STS rules in the context
18 of this proceeding?

19 MS. MILLER: Let me just say, when you say
20 "rules," are you referring to practices based on that
21 order since there are no existing rules.

22 MS. KIDDOO: That's a good point. I should
23 distinguish between rules and orders since that's
24 exactly what we're doing here.

25 My question, Mr. Taylor, was whether or not

1 it was your understanding that AmeriSystems had
2 requested that the Commission change any of the
3 existing requirements of Order No. 17111 in the context
4 of this proceeding. Your comments seem to indicate
5 that you thought that was the case and --

6 MR. TAYLOR: Yes, and in reading some of the
7 comments I guess perhaps I misconstrued, but it
8 appeared to us that you seem to be identifying what you
9 believed were changed circumstances or things that had
10 or had not happened, and seemed to be using that as
11 justification for not codifying the rules.

12 MS. KIDDOO: No, just so that the record is
13 clear, Mr. Taylor, it was AmeriSystems' position, I
14 think, exactly agreeing with your position, that this
15 is not the place to consider changing the provisions of
16 Order No. 17111. The reason that AmeriSystems cited
17 those changes was in support of the position that there
18 may be events that have changed the marketplace, which
19 would argue against codification of the earlier ruling
20 of the Commission in 17111 at this time. And should
21 the Commission want to codify rules or change Order No.
22 17111, it ought to do so in a proceeding or in a
23 investigation not in the context of this proceeding,
24 and that it ought to, in fact, not address rules at
25 this time since they don't seem, in AmeriSystems' view,

1 to be necessary or appropriate in the context of four
2 years later.

3 I have no further questions. (Pause)

4 MS. MILLER: Southern Bell.

5 MR. PARKER: Mr. Taylor, rather than me
6 characterize what I thought I heard in regard to the
7 facility compensation issue, could you tell me again
8 what the Staff's position is regarding that particular
9 point?

10 MR. TAYLOR: I believe if the LEC chooses to
11 use facilities -- or the LEC has the right to conduit
12 facilities. All right, as to the wiring, cabling, if
13 the LEC chooses to use that rather than install its
14 own, then it must compensate, but it has the right to
15 install its own.

16 MR. PARKER: Okay. But no compensation on
17 the conduit.

18 MR. TAYLOR: That's correct.

19 MR. PARKER: And if there was compensation on
20 the conduit, that would be a ratemaking expense which
21 would have to be passed on to the ratepayers, is that
22 correct?

23 MR. TAYLOR: I don't believe I said that, but
24 I don't believe the order says that either. But the
25 order says what it says.

1 MR. PARKER: Okay. Thank you.

2 MS. MILLER: There's been a lot of talk about
3 codifying what was in that order. There's been a lot
4 of talk about what was in that order and codifying that
5 order. Was that the primary purpose of this rule
6 making?

7 MR. TAYLOR: I believe that's the only
8 purpose of this rule making.

9 MS. MILLER: Thank you.

10 I guess we have no further questions. Yes?

11 MR. ANTHONY: No questions but we might can
12 simplify things.

13 Southern Bell will concur in the existing
14 Staff's proposed rule, and if we run into any
15 circumstances like what has been described here, we'll
16 just file a complaint.

17 MS. MOORE: Do you mean the existing Staff's
18 proposed rule that --

19 MR. ANTHONY: The one that was passed out at
20 the beginning of the hearing.

21 MS. MOORE: Exhibit 2.

22 MS. MILLER: Thank you. Mr. Marks.

23 MR. MARKS: With that last comment, am I to
24 understand correctly then that you all are agreeing
25 with the changes as indicated by the Staff in

1 Paragraphs 10 and 11 of, I guess it's 575? What is
2 that? Is that correct?

3 MR. ANTHONY: That last comment says that we
4 will not oppose the proposed rules that were passed out
5 at the beginning of this hearing. I don't know how
6 they were identified for the record.

7 MS. MILLER: Exhibit 4. You're withdrawing
8 the proposed changes that are in Exhibit 4?

9 MR. ANTHONY: We will withdraw those and
10 based upon statements made by the Staff and the fact
11 that a complaint procedure does exist to handle those
12 customers, not as we feel complying with the tariffs,
13 we'll use that procedure to rectify any problems that
14 may arise over an interpretation of the rule.

15 MS. MILLER: Thank you. (Pause)

16 Are there any additional matters? I will
17 want to talk about the time frame involved. If anyone
18 else has any other concerns, we'll address those too.

19 The court reporters said they should be able
20 to have the transcript available in two weeks, by
21 September 14th.

22 Yes, do you have --

23 MS. MOORE: I have a CASR, the case
24 assignment scheduling record, and I could pass out
25 copies if that would help.

1 MS. MILLER: Please, that would be excellent.
2 And posthearing filings, as you'll see on the CSAR,
3 will be due October 1. We'll have a proposed final
4 version that we'll send to you by October 16th, and you
5 can respond to that version, and then my recommendation
6 will go to the Commissioners on November 20th and will
7 be tentatively scheduled for that agenda on December 4th.

8 I will raise the issues that have been
9 addressed today; although I'm interested that Southern
10 Bell has withdrawn some of those proposed changes, so
11 that takes away some of the discussion on that.

12 Is General Telephone still supporting what
13 was in Southern Bell's proposed changes in Exhibit 4?
14 You can state that in a posthearing filing if you'd like.

15 MR. PARKER: We're still concerned about the
16 facility issue.

17 MS. MILLER: So as I said, we will hope to
18 bring these to the Commissioners on December 4th and
19 proceed from there.

20 Any further matters?

21 MS. MOORE: Nothing further.

22 MS. MILLER: Thank you very much.

23 MS. MOORE: Thank you.

24 (Thereupon, hearing concluded at 11:20 a.m.)

25

1 F L O R I D A)
2 :
3 COUNTY OF LEON)

CERTIFICATE OF REPORTERS

4 WE, CAROL C. CAUSSEUX, CSR, RPR, and JOY
5 KELLY, CSR, RPR, Official Commission Reporters,

6 DO HEREBY CERTIFY that the hearing in the
7 captioned matter, Docket No. 891297-TS, was heard by
8 the Staff of the Florida Public Service Commission
9 commencing at the time and place therein stated; it is
10 further

11 CERTIFIED that we reported in shorthand the
12 proceedings held at such time and place; that the same
13 has been transcribed under our direct supervision, and
14 that the transcript consisting of 64 pages, inclusive,
15 constitutes a true and accurate transcription of our
16 notes of said proceedings; it is further

17 CERTIFIED that we are neither of counsel nor
18 related to the parties in said cause and have no
19 interest, financial or otherwise, in the outcome of
20 this docket.
21
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25

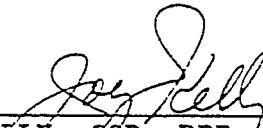
FLORIDA PUBLIC SERVICE COMMISSION

BST 6599
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IN WITNESS WHEREOF, we have hereunto set our hands and seals at Tallahassee, Leon County, Florida, this 12th day of September, A.D., 1990.


CAROL C. CAUSSEAU, CSR, RPR


JOY KELLY, CSR, RPR
FPSC Bureau of Reporting
Fletcher Building, Room 264
101 East Gaines Street
Tallahassee, Florida 32399-0871
(904) 488-5981

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IN WITNESS WHEREOF, we have hereunto set our
hands and seals at Tallahassee, Leon County, Florida,
this 12th day of September, A.D., 1990.

Carol C. Causseaux
CAROL C. CAUSSEAU, CSR, RPR

Joy Kelly
JOY KELLY, CSR, RPR
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JEAN L. KIDDOO
ATTORNEY-AT-LAW

September 28, 1990

VIA FEDERAL EXPRESS

Steve C. Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

RECEIVED
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MAIL ROOM

Re: Docket No. 891297-TS

Dear Mr. Tribble:

Enclosed herewith is an original and thirteen (13) copies of Post-Hearing Comments of the Greater Orlando Aviation Authority to be filed in the above referenced docket.

Please date-stamp the extra copy and return it to me in the enclosed self-addressed, stamped envelope.

Should you have any questions concerning this filing, please do not hesitate to contact me.

Very truly yours,

Jean L. Kiddoo

Jean L. Kiddoo
Counsel for the Greater Orlando
Aviation Authority

- ACY _____
- AFB _____
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- CSE _____
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Enclosures

cc. All Parties of Record

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Final Exhibit
No. 188

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DOCUMENT NUMBER-DATE

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FPSQ-RECORDS/REPORTING

9/28/90

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules 25-24.550
Through 25-24.587, Florida Administrative
Code, Relating to Shared Tenant Service
(STS) Providers

DOCKET NO. 891297-TS

POST-HEARING COMMENTS
OF THE GREATER ORLANDO AVIATION AUTHORITY

The Greater Orlando Aviation Authority ("GOAA"), by its undersigned counsel, hereby submits its Post-Hearing Comments on the proposed rules issued by the Commission in the above-captioned proceeding. GOAA is an agency of the City of Orlando and is charged with the responsibility for operating the Orlando International Airport and the Orlando Executive Airport. Among its other responsibilities, GOAA has installed a customized airport telecommunications system at Orlando International which enables GOAA to ensure safe, efficient and cost effective airport operations throughout the airport property.

GOAA was an active participant in the Commission's STS proceeding, Docket No. 860455-TL, which resulted in the issuance of Order No. 17111 on January 15, 1987. The rules proposed in the instant docket will, if adopted, codify the regulatory scheme imposed by that Order. Because the proposed rules mirror the provisions of Order No. 17111, they contain a provision which exempts airports such as Orlando International from the STS

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DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

rules.^{1/} Because the proposed rules accurately reflect the airport exemption set forth in Order No. 17111, GOAA did not file written comments in this current proceeding.^{2/} As a result of Southern Bell's written comments advocating changes to the proposed rules which would depart from the provisions of Order No. 17111 based on Southern Bell's interpretation of that Order, GOAA participated in the hearing held on August 31, 1990.^{3/}

As it stated at the hearing, GOAA strongly objects to any attempt to alter the terms of Order No. 17111 in the context of this rulemaking proceeding, particularly insofar as such modifications might affect the manner in which airport telecommunications arrangements will be permitted to operate.^{4/}

^{1/} Proposed Rule Section 25-24.580.

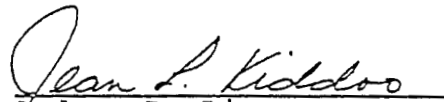
^{2/} GOAA's interest in this proceeding is limited to the proposed rules which pertain to non-STS airport sharing arrangements. GOAA does not take a position on the appropriateness of the other proposed STS rules.

^{3/} At that hearing, Southern Bell withdrew all of its proposed changes to the proposed rule. (Transcript at 63.) General Telephone, however, indicated that, despite Southern Bell's withdrawal of its proposals, it still has "concerns" with one of the issues raised by Southern Bell. (Transcript at 64.) That remaining issue pertains directly to a dispute between Southern Bell and Dade County concerning the interpretation of Order No. 17111 with respect to non-STS airport sharing arrangements. It is unclear from General Telephone's statements whether it intends to recommend that the Commission make the change originally proposed by Southern Bell. Accordingly, GOAA files these comments to address any such request.

^{4/} GOAA notes that this is particularly true with respect to issues concerning the interpretation of the STS rules, and their applicability, with respect to non-STS airport telecommunications arrangements. GOAA agrees with the Staff that the Commission should not address disputes about those issues in the context of this STS rulemaking proceeding. (Transcript at 57.)

Order No. 17111 was adopted at the end of extensive hearings on the issue of the regulation of STS and the appropriateness of extending those regulations to airport telecommunications arrangements. There is no basis in this rulemaking docket to modify the provisions of that Order. Quite simply, the Order speaks for itself, and this rulemaking proceeding is not the appropriate forum in which to resolve differences in the interpretation of its terms. Accordingly, any proposal to modify the terms of Order No. 17111 in the context of any STS rules which may be adopted should be rejected.

Respectfully submitted,


Andrew D. Lipman
Jean L. Kiddoo

SWIDLER & BERLIN, CHTD.
3000 K Street, N.W.
Washington, D.C. 20007
(202) 944-4834

Counsel for the Greater Orlando
Aviation Authority

October 1, 1990

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 1990, a copy of the foregoing document have been sent by first-class, postage-prepaid mail to the following:

Thomas R. Parker
GTE Florida, Inc.
P.O. Box 110
Mail Code 7
Tampa, Florida 33601

Len S. Anthony
Southern Bell Telephone Co.
43 Southern Bell Center
675 W. Peachtree Street, N.E.
Atlanta, Georgia 30375

E. Barlow Keener
Southern Bell Telephone Co.
150 West Flagler Street
Suite 1910
Miami, Florida 33130

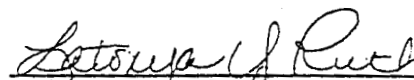
Thomas Abbott
County Attorney's Office
Dade County Airport
P.O. Box 592075
Miami, Florida 33159

John R. Marks
Katz, Kutter, Haigler,
Adlerman, Davis, Marks &
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First Florida Bank Bldg.
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Tallahassee, Florida

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101 East Gaines Street
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Julia Russo
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Alan Taylor
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Latonya V. Ruth

BST 6606
PSC

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September 28, 1990

VIA FEDERAL EXPRESS

Steve C. Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Re: Docket No. 891297-TS

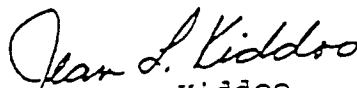
Dear Mr. Tribble:

Enclosed herewith is an original and thirteen (13) copies of Post-Hearing Comments of AmeriSystems Partnership to be filed in the above referenced docket.

Please date-stamp the extra copy and return it to me in the enclosed self-addressed, stamped envelope.

Should you have any questions concerning this filing, please do not hesitate to contact me.

Very truly yours,



Jean L. Kiddoo
Counsel for AmeriSystems
Partnership

Enclosures

cc: All Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules 25-24.550)
Through 25-24.587, Florida Administrative) DOCKET NO. 891297-TS
Code, Relating to Shared Tenant Service)
(STS) Providers)

POST-HEARING COMMENTS
OF AMERISYSTEMS PARTNERSHIP

AmeriSystems Partnership, by its undersigned counsel, hereby submits its Post-Hearing Comments on the proposed codification of rules in the above-captioned docket. AmeriSystems is a shared tenant service ("STS") provider serving four locations in the Tampa area.^{1/} AmeriSystems was an active participant in the Commission's STS proceeding, Docket No. 860455-TL, which resulted in the issuance of Order No. 17111 on January 15, 1987. In that Order, the Commission determined that the provision of STS is in the public interest and adopted a cautious initial regulatory approach toward STS. The rules proposed in the instant docket would essentially codify that early regulatory scheme. On March 16, 1990, AmeriSystems filed comments on the proposed rules and, on August 31, 1990, participated in the hearing in this docket.

In its comments and at the hearing, AmeriSystems demonstrated that the regulatory structure adopted in Order No. 17111 was expressly intended as a cautious approach appropriate for the

^{1/} AmeriSystems also provides intrastate and interstate interexchange service at those four locations and, in addition, at locations in Orlando and Miami. AmeriSystems does not offer shared local service at the Orlando and Miami sites and therefore is not an "sts" provider at those locations.

initial stages of STS development. AmeriSystems urged that the Commission decline to adopt rules based on that initial regulatory scheme, particularly since the STS industry has not developed to the extent projected at the time of the Commission's Order. Given the tentative nature of the Commission's findings in Order No. 17111, its express intention to "begin regulation in this area cautiously,"^{2/} and the fact that STS has not developed to the extent predicted by many STS opponents in Docket No. 860455-TL, it would serve no useful purpose to codify that regulatory approach in rules. Indeed, to do so would make the process of any future reevaluation of those rules more difficult and burdensome for both the Commission and interested parties.^{3/} Accordingly, AmeriSystems submits that the Commission should decline to adopt the proposed codification.

^{2/} Order No. 17111 at 10.

^{3/} Importantly, and contrary to the understanding of some of the parties at the hearing, AmeriSystems does not request that the Commission modify its STS order in the context of this proceeding. As stated in footnote 7 of its comments, it is AmeriSystems' understanding that, by proposing these rules, the Commission simply proposed to codify its earlier STS order and did not intend for this rulemaking docket to be the vehicle for a review of the merits of that order. Accordingly, although AmeriSystems believes that the current circumstances of STS in Florida indicate that many of the restrictions in the earlier order are redundant or unnecessary, it does not propose changes at this time and has not attempted to undertake a point-by-point analysis of the appropriateness of the proposed rules or the earlier order on which they are based.

I. THE REGULATORY STRUCTURE ADOPTED IN ORDER NO. 17111 WAS INTENDED AS A CAUTIOUS APPROACH APPROPRIATE FOR THE INITIAL STAGES OF STS DEVELOPMENT

Order No. 17111 was clearly and expressly intended as a cautious regulatory approach to a new industry for which the Commission lacked empirical evidence sufficient to issue permanent rules. Given the nascent stage of industry development and the concomitant uncertainty about the potential impact of STS on both end users and local exchange carrier ("LEC") revenues which might result from unrestricted development of STS, the Commission found that STS providers should only be allowed to operate under highly circumscribed conditions. The actual data available to the Commission at the time was extremely limited, and most of the testimony in the docket consisted of mere projections as to the potential development of STS and its future impact on the marketplace.

For example, with respect to the LECs' projections of alleged revenue losses, the Commission noted:

[T]hese losses cannot be relied upon as actual "revenue losses" but must be looked upon as potential changes in the future flows of revenues if the market penetration assumed in these studies were to occur.^{4/}

Thereafter, the Commission confirmed:

[N]o clear evidence has been presented to support the LECs' claims that STS will result in lost revenue. We find the evidence presented will not allow us to accurately assess the significance of any potential revenue loss. We are therefore

^{4/} Order No. 17111 at 8 (emphasis added).

convinced that the effect of STS on local exchange rates remains, as yet, unknown.^{5/}

The Commission's cautious approach was undertaken in the context of arguments by opponents of STS who attempted, in the absence of any empirical evidence, to paint a portrait of a voracious STS industry that would rapidly devour the LECs' valuable small and mid-sized business customers, dangerously deplete LEC revenues, and threaten the viability of universal service.^{6/} The Commission recognized the lack of data available to support these arguments. At the same time, the Commission was also sensitive to the then-unknown impacts of this new service. Accordingly, Order No. 17111 adopted a "go-slow" approach toward regulation, balancing these various concerns:

Based upon our preceding discussion, we feel that restrictions on the conditions under which this service may be provided are appropriate. These restrictions are appropriate because this service is new and we desire to begin regulation in this area cautiously to ensure protection of all end-users. Further, to the extent that this service duplicates and competes with local exchange service, we recognize the potential to affect local exchange rates.^{7/}

^{5/} Id. at 9 (emphasis added).

^{6/} In actuality, that scenario has not come to pass, either in Florida, where regulations and restrictions on the scope on STS are stringent, or in any of the other jurisdictions across the country where regulation is more lenient or, indeed, nonexistent. AmeriSystems is not aware of any jurisdiction where an LEC has approached any Commission with any empirical data concerning a negative impact from STS on their revenues or any need to increase rates as a result of such impact.

^{7/} Id. at 10 (emphasis added).

In short, the Commission adopted a highly circumscribed regulatory scheme as an initial, cautious first step, at a time when a new service was being introduced whose impact in Florida was unknown.

II. RULES ADOPTING THE CURRENT REGULATORY STRUCTURE FOR STS ARE UNNECESSARY AND WOULD CODIFY REQUIREMENTS WHICH THE COMMISSION IMPOSED WITH THE RECOGNITION THAT THEY MIGHT NOT BE WARRANTED IN THE FUTURE

AmeriSystems submits that adoption of rules which reflexively codify the Commission's early regulatory approach to STS would serve no useful public purpose and, indeed, would generate additional administrative burdens should the Commission determine to revisit in the future any of the restrictions it initially placed on STS. To engrave the initial, cautious requirements developed on a 1986 record into the codified stone of 1990 would do violence to the clear intent of the Commission in 1987. The 1987 restrictions were set forth in an experiential vacuum, and it would be highly inappropriate to codify three years later what had been intended as interim measures which, if reconsidered in the light of the actual, instead of the projected, development of STS, might likely be modified significantly to eliminate many of the duplicative and unnecessary restrictions which were initially imposed by the Commission. The Commission should therefore decline to adopt the proposed rules, and should leave Order No. 17111 in place until such time as it determines to conduct a review of the

Continuing appropriateness of the requirements that the Order contains.

In the intervening years since issuance of Order No. 17111, certain facts have become clear. First, contrary to early LEC predictions, STS has not become a dominant force in the Florida market (or any market, for that matter) engendering significant LEC revenue losses. Rather, STS providers have remained relatively few in number, occupying an identifiable market niche providing small and medium-sized business customers with enhanced services they might not otherwise be able to obtain.

Nor have LEC revenues been threatened. Indeed, it has been AmeriSystems' experience that LEC revenues actually have been enhanced by virtue of its STS arrangements. It has been that economic analysis which has led AmeriSystems to adopt a non-shared environment in the only two new buildings in which it has initiated service since the Commission's STS order. The STS rates adopted in 1987 mean that it is economically disadvantageous even to become a shared tenant service provider by offering shared local service. Far from being a revenue loss to LECs, as feared by the Commission when it adopted its STS restrictions, shared local service results in a windfall profit to LECs above the revenue they would receive in the absence of a shared system.^{2/}

^{2/} For example, as of August 1989, the revenues derived by General Telephone from serving AmeriSystems' shared buildings have been higher than they would have been if General Telephone had served those same customers individually. In fact, under the prevailing STS rate structure, at least one site, AmeriSystems' (continued...)

Significantly, experience in other jurisdictions in which STS regulation is less restrictive than in Florida, or is even non-existent, demonstrates that the initial regulations adopted by the Commission are not essential either to protect the public interest or to protect LEC revenue streams. AmeriSystems currently operates STS projects in seven states besides Florida, none of which require certification of STS providers or impose geographic and PBX trunk limitations as stringent as those in Florida. In none of those states (nor, to AmeriSystems' knowledge, in states where other STS providers operate) has any LEC complained of revenue losses due to STS. None of the utility commissions in those states has identified STS rates or practices as a matter of concern; indeed, AmeriSystems is unaware of any consumer or other complaint to state regulators concerning commercial STS.

Clearly, market conditions have not developed in the manner feared by the Commission when it adopted its initial approach to STS. Accordingly, it would be unreasonable and imprudent for the Commission to adopt the proposed codification of those early rules. The reasonable course would instead be to allow the present regulatory scheme to remain in place pursuant to Order No. 17111 until such time as the Commission is ready to conduct a review of the role STS has come to play in the Florida marketplace and, as a

§/ (...continued)

review indicates that the revenues General Telephone derived were more than 40 percent above those they would have received if it had served the tenants directly in the absence of AmeriSystems.

result, investigates the continuing need for the restrictions it had earlier imposed.

III. TO THE EXTENT THAT THE COMMISSION DETERMINES TO ADOPT RULES, THEY SHOULD EITHER MIRROR PRECISELY ORDER NO. 17111 OR BE BASED ON A THOROUGH INVESTIGATION OF THE CONTINUING NEED FOR THE REQUIREMENTS

As stated above, AmeriSystems does not believe that adoption of rules with regard to STS is necessary or appropriate at this time. Should the Commission determine to do so, however, AmeriSystems submits that the rules should mirror precisely the terms of Order No. 17111 or, if changes are to be made, should be adopted only after a thorough review by the Commission of the regulatory scheme imposed in that Order in light of the current facts. AmeriSystems strongly objects to any piecemeal modification of the terms of Order No. 17111 absent such a comprehensive review.

To that end, AmeriSystems urges that the Commission reject any attempt by General Telephone to propose modifications to the Order No. 17111's terms with respect to building access.^{2/} There is no basis in this rulemaking proceeding to modify the terms of Order No. 17111. There is simply no record, other than assertions of counsel, which would support any revision. Any modification of the

^{2/} Southern Bell had originally proposed a modification to the language of Order No. 17111 in this respect, but at the hearing withdrew that position. (Transcript at 63.) Even though it did not file any comments on this issue, General Telephone stated after that withdrawal that it continues to be "concerned" about the issue. (Transcript at 64.) It is therefore unclear whether General Telephone will adopt Southern Bell's withdrawn proposal to modify the language of Order No. 17111 as its own in this proceeding, and AmeriSystems therefore must address this issue.

Order would therefore be highly improper absent a thorough investigation by the Commission.^{10/} Should the Commission determine that any modification to Order No. 17111 is warranted, AmeriSystems agrees with the Staff that an investigation should be initiated to do so, and that this rulemaking proceeding is not the appropriate vehicle for such an effort.^{11/}

IV. CONCLUSION

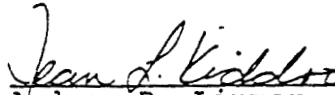
For the reasons set forth above, AmeriSystems respectfully urges that the Commission reject the proposed codification of STS rules and that it allow the current regulatory framework to continue in its present form until such time as the Commission conducts a review of the continuing necessity for the restrictions

^{10/} AmeriSystems has not attempted to use this rulemaking proceeding as an evidentiary forum in which to air its position that many of the aspects of Order No. 17111 have been rendered unnecessary and overly restrictive in light of the actual development of STS. To the extent that the Commission adopts any argument that Order No. 17111 should be modified in any way, AmeriSystems requests an opportunity to raise the need to modify other aspects of that Order.

^{11/} Transcript at 59.

It initially adopted in 1987 in light of the uncertainty then existing with respect to the development and impact of STS.

Respectfully submitted,



Andrew D. Lipman
Jean L. Kiddoo

SWIDLER & BERLIN, CHTD.
3000 K Street, N.W.
Washington, D.C. 20007
(202) 944-4834

Counsel for AmeriSystems
Partnership

October 1, 1990

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 1990, a copy of the foregoing document have been sent by first-class, postage-prepaid mail to the following:

Thomas R. Parker
GTE Florida, Inc.
P.O. Box 110
Mail Code 7
Tampa, Florida 33601

Len S. Anthony
Southern Bell Telephone Co.
43 Southern Bell Center
675 W. Peachtree Street, N.E.
Atlanta, Georgia 30375

E. Barlow Keener
Southern Bell Telephone Co.
150 West Flagler Street
Suite 1910
Miami, Florida 33130

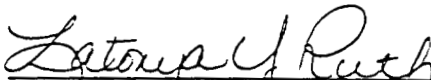
Thomas Abbott
County Attorney's Office
Dade County Airport
P.O. Box 592075
Miami, Florida 33159

John R. Marks
Katz, Kutter, Haigler,
Adlerman, Davis, Marks &
Rutledge
First Florida Bank Bldg.
Suite 400
Tallahassee, Florida

Christiana Moore
Florida Public Service
Commission
Office of the General
Counsel
101 East Gaines Street
Tallahassee, Florida 32399

Julia Russo
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, Florida 32399

Alan Taylor
Florida Public Service
Commission
101 East Gaines Street
Tallahassee, Florida 32399



Latonya V. Ruth

KATZ, KUTTER, HAIGLER, ALDERMAN, DAVIS, MARKS & RUTLEDGE

PROFESSIONAL ASSOCIATION
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DANIEL C. BROWN
MARGUERITE H. "DITTI" DAVIS
MARTIN R. DIX
PAUL R. EZATOFF, JR.
WILLIAM M. FURLOW
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RICHARD P. LEE
JOHN C. LOVETT
JOHN R. MARKS, III
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GERALD C. WESTER*

*NOT MEMBERS OF THE
FLORIDA BAR

OF COUNSEL:
RONALD R. RICHMOND
J. LARRY WILLIAMS

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REPLY TO: TALLAHASSEE

October 1, 1990

Mr. Steve Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

89-1299-15

ACK Tallahassee, Florida 32399-0850

AFA _____

APP RE: Metropolitan Dade County

CAF _____ Dear Mr. Tribble:

CMU

CTR _____ Enclosed please find the original and twelve (12) copies of the Post Hearing
EAG _____ Comments on Proposed Shared Tenant Service Rules relating to Metropolitan Dade
LEG _____ County, Florida.

LIN If additional information is needed, please do not hesitate to contact me.

OPC _____

RCH _____

SEC

WAS _____

DTn _____

Sincerely,

John R. Marks, III

JRM/lcg

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Enclosures

TO
FPSC-BUREAU OF RECORDS

BST 6619
PSC

Final Exhibit
No. 190

DOCUMENT NUMBER 1477
08777 OCT -1 1990
FPSC-RECORDS/REPORTING

10/1/90

KATZ, KUTTER, HAIGLER, ALDERMAN, DAVIS, MARKS & RUTLEDGE

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SPECIAL CONSULTANTS:
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GERALD C. WESTER*

*NOT MEMBERS OF THE
FLORIDA BAR

OF COUNSEL:
RONALD R. RICHMOND
J. LARRY WILLIAMS

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REPLY TO: TALLAHASSEE

October 1, 1990

Mr. Steve Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
101 East Gaines Street

89-5447-15

ACK Tallahassee, Florida 32399-0850

AFA _____

APP RE: Metropolitan Dade County

CAF _____ Dear Mr. Tribble:

CMU

CTR _____ Enclosed please find the original and twelve (12) copies of the Post Hearing
EAG _____ Comments on Proposed Shared Tenant Service Rules relating to Metropolitan Dade
LEG _____ County, Florida.

LIN If additional information is needed, please do not hesitate to contact me.

OPC _____

RCH _____

SEC

W/S _____

OTH _____

Sincerely,

John R. Marks, III

JRM/lcg

Enclosures

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TO
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DOCUMENT NUMBER 0470
08777 OCT -1 1990

BST 6620
PSC

EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relation to Shared Tenant)
Service (STS) Providers)
_____)

Docket No. 891297-TS

Filed: October 1, 1990

POST HEARING COMMENTS ON PROPOSED SHARED TENANT SERVICE RULES

Metropolitan Dade County, Florida (County) and the Dade County Airport Department (DCAD) through its undersigned attorneys and pursuant to Rule 25-22.012(2), Florida Administrative Code (F.A.C.) and Section 120.54, Florida Statutes (F.S.), files these post hearing comments to the Notice of Rulemaking regarding the adoption of proposed Rules 25-24.550 through 25-24.587, F.A.C. relating to Shared Tenant Services (STS) providers.

1. On February 22, 1990, the Florida Public Service Commission (Commission) published its Notice of Rulemaking in the Florida Administrative Weekly regarding the adoption of rules related to Shared Tenant Service providers. As indicated in the Notice, the purpose and effect of the adoption of the STS rules was to codify existing regulatory requirements for STS providers as contained in Sections 364.339 F.S. and Commission Orders Nos. 17111, 17369 and 18325.

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2. On July 17, 1990, the County filed pre-hearing comments on the proposed rules. In those comments, the County indicated that no revisions to the proposed rules as notice were necessary or warranted.

3. At a rulemaking hearing held on August 31, 1990, before the Florida Public Service Commission, the staff provided additional comments and revisions to the rules as originally noticed and proposed. Those revisions were generally the result of amendments to Chapter 364, F.S., or required by the Joint Administrative Procedures Committee and made to clarify the rules as originally noticed. None of the revisions were considered substantive in nature and the record indicates the parties participating in that hearing either withdrew their comments or did not object to the changes and revisions made by the staff.

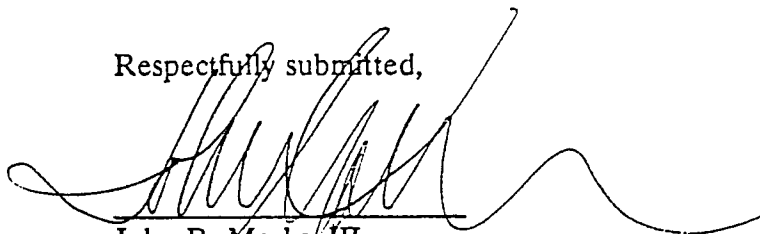
4. The County agrees with the revised proposed rules, specifically Rule 25-24.580 F.A.C., which continues to recognize the exemption granted to airports.

5. It is the County's position, consistent with comments made by the Commission staff, that compensation by the local exchange company (LEC) to non-STS (exempt) entities, such as airports, has not been addressed by the Commission and that the proposed revised rules do not address the compensation issue.

6. Finally, it is the position of Dade County that the issue of compensation by the LEC to non-STS (exempt) entities, such as airports is more appropriately addressed in another proceeding separate from the instant rulemaking docket.

WHEREFORE, the County requests the Commission to consider the foregoing comments and adopt the rules regarding Shared Tenant Service as originally noticed in the Florida Administrative Weekly and subsequently revised by the staff.

Respectfully submitted,



John R. Marks, III
Katz, Kutter, Haigler, Alderman,
Davis, Marks & Rutledge, P.A.
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
(904) 224-9624
(904) 222-0103 (Telecopier)

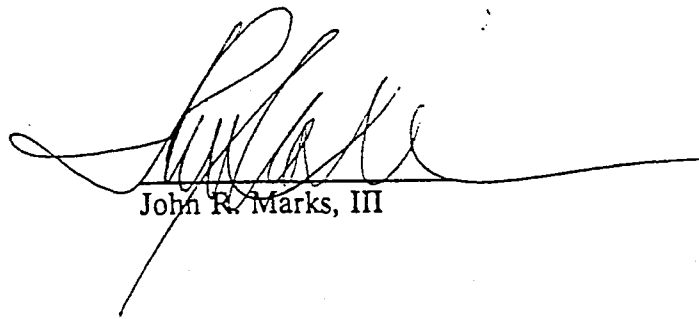
Robert A. Ginsburg, County Attorney
Thomas P. Abbott, Assistant County
Attorney
Metropolitan Dade County Attorney
Aviation Department
Post Office Box 592075 AMF
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(305) 871-7040

Attorneys for Intervenor Metropolitan
Dade County, Florida

BST 6623
PSC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and twelve (12) copies of the foregoing have been submitted to Steve Tribble, Director, Division of Records and Reporting, Room 107 Fletcher Building, 101 East Gaines Street, Florida Public Service Commission, Tallahassee, Florida 32399-0850 in accordance with Rule 25-22.0375, Florida Administrative Code, and that true and correct copies thereof have been furnished by U.S. Mail to Thomas R. Parker, Post Office Box 110, Mail Code 7, Tampa, Florida 33601, appearing on behalf of GTE, Lynn S. Anthony, 43 Southern Bell Center, 675 West Peachtree Street, Northeast, Atlanta, Georgia 30375 and E. Barlow Keener, Suite 1910, 150 West Flagler Street, Miami, Florida 33130, appearing on behalf of Southern Bell Telephone Company, Jean Kiddoo, Swidler and Berlin, 3000 K Street, Northwest, Washington, D.C., appearing on behalf of AmeriSystems Partnership and the Greater Orlando Aviation Authority and Christiana Moore, Florida Public Service Commission, Office of the General Counsel, 101 East Gaines Street, Tallahassee, Florida 32399-0871, appearing on behalf of the FPSC Staff, this 1ST day of October, 1990.



John R. Marks, III

27

KATZ, KUTTER, HAIGLER, ALDERMAN, DAVIS, MARKS & RUTLEDGE

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PROFESSIONAL ASSOCIATION
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WILLIAM M. FURLOW
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GARY R. RUTLEDGE

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GERALD C. WESTER*

*NOT MEMBERS OF THE
FLORIDA BAR

OF COUNSEL:
RONALD R. RICHMOND
J. LARRY WILLIAMS

REPLY TO: TALLAHASSEE

November 20, 1990

Mr. Steve Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

89/299-TS

RE: Metropolitan Dade County

Dear Mr. Tribble:

Enclosed please find the original and twelve (12) copies of the Comments on Proposed Final Version of Shared Tenant Service Rules relating to Metropolitan Dade County, Florida.

If additional information is needed, please do not hesitate to contact me.

Sincerely,

John R. Marks, III

BST 6625
PSC

- ACK
- AFA _____
- APP
- CAF _____
- GMU
- CTR _____
- EAG _____
- LEG _____
- LIN JRM/lcg
- OPC _____ Enclosures
- SEC
- WAS _____
- OTH _____

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PSC-RECORDS/REPORTING

11/20/90

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relation to Shared Tenant)
Service STS Providers)
_____)

Docket No. 891297-TS

COMMENTS ON PROPOSED FINAL VERSION OF
SHARED TENANT SERVICE RULES

Metropolitan Dade County, Florida (County) through its Dade County Aviation Department (DCAD) pursuant to Rule 25-22.016, Florida Administrative Code (FAC) and Section 120.54, Florida Statutes (FS), files these comments regarding the proposed final version of Rules 25-24.550 thru 25-24-587, FAC relating to Shared Tenant Services (STS) providers.

1. On October 26, 1990, the hearing officer in the above referenced docket issued a proposed final version of Rules 25-24.550 thru 25-24.587, FAC relating to Shared Tenant Services providers. As indicated in the original notice, the purpose and effect of the adoption of the STS rules was to codify existing regulatory requirements for STS providers as contained in Sections 364.339, Florida Statute and Commission Orders No. 17111, 17369 and 18235.

2. On July 17, 1990, the County filed pre-hearing comments on the proposed rules. On October 1, 1990, the County filed post-hearing comments on the proposed Shared

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PSC

DOCUMENT NUMBER-DATE
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Tenant Service rules. In those comments, the County indicated that no revisions to the proposed rules as noticed and as revised during the hearing were necessary or warranted.

3. Southern Bell in its post-hearing statements indicates that certain changes should be made to the rules. However, at the rulemaking hearing Southern Bell agreed with the staff's proposed rules as revised during the course of that hearing. On page 62 lines 11-25 and page 63 lines 1-15 of the transcript of the STS rulemaking hearing the following colloquy occurred with regards to the proposed rules:

MR. ANTHONY: No questions but we might can simplify things.

Southern Bell will concur in the existing Staff's proposed rule, and if we run into any circumstances like what has been described here, we'll just file a complaint.

MS. MOORE: Do you mean the existing Staff's proposed rule that --

MR. ANTHONY: The one that was passed out at the beginning of the hearing.

MS. MOORE: Exhibit 2.

MS. MILLER: Thank you. Mr. Marks.

MR. MARKS: With that last comment, am I to understand correctly then that you all are agreeing with the changes as indicated by the Staff in Paragraphs 10 and 11 of, I guess it's 575? What is that? Is that correct?

MR. ANTHONY: That last comment says that we will not oppose the proposed rules that were passed out at the beginning of this hearing. I don't know how they were identified for the record.

MS. MILLER: Exhibit 4. You're withdrawing the proposed changes that are in Exhibit 4?

MR. ANTHONY: We will withdraw those and based upon statements made by the Staff and the fact that a complaint procedure does exist to handle those customers, not as we feel complying with the tariffs, we'll use that procedure to rectify any problems that may arise over an interpretation of the rule.

MS. MILLER: Thank you. (Pause)

4. The hearing officer's proposed final version on the Shared Tenant Service rules makes no substantive changes to the rules as proposed and revised during the course of the hearing by the staff. (There is one exception to the foregoing. After the hearing, the staff suggested eliminating Rule 25-24.587 related to the filing of tariffs. None of the parties objected to the deletion of this requirement). The hearing officer's proposed final version effectively codifies existing practices of the Florida Public Service Commission related to STS providers.

5. Notwithstanding the post-hearing comments of Southern Bell and General Telephone, the staff and the hearing officer adequately and effectively addressed all the issues raised by the parties. There is no need to modify the proposed final version of the rules as recommended in the post-hearing comments by both Southern Bell and General Telephone.

6. The County re-adopts and restates the positions outlined in its initial comments and post-hearing comments.

7. **WHEREFORE**, the County requests the Commission to consider the foregoing comments and adopt the rules regarding Shared Tenant Services as provided in the

proposed final version of the rules provided by the hearing officer.

Respectfully submitted this 20th day of November 1990.



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Davis, Marks & Rutledge, P.A.
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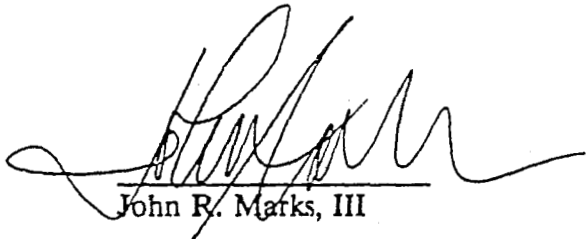
Robert A. Ginsburg, County Attorney
Thomas P. Abbott, Assistant County
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Attorneys for Intervenor Metropolitan
Dade County, Florida

BST 6629
PSC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and twelve (12) copies of the foregoing have been submitted to Steve Tribble, Director, Division of Records and Reporting, Room 107 Fletcher Building, 101 East Gaines Street, Florida Public Service Commission, Tallahassee, Florida 32399-0850 in accordance with Rule 25.22.0375, Florida Administrative Code, and that true and correct copies thereof have been furnished by U.S. Mail to Thomas R. Parker, Post Office Box 110, Mail Code 7, Tampa, Florida 33601, appearing on behalf of GTE, Lynn S. Anthony, 43 Southern Bell Center, 675 West Peachtree Street, Northeast, Atlanta, Georgia 30375 and E. Barlow Keener, Suite 1910, 150 West Flagler Street, Miami, Florida 33130, appearing on behalf of Southern Bell Telephone Company, Jean Kiddoo, Swidler and Berlin, 3000 K Street, Northwest, Washington, D.C., appearing on behalf of AmeriSystems Partnership and the Greater Orlando Aviation Authority and Christiana Moore, Florida Public Service Commission, Office of the General Counsel, 101 East Gaines Street, Tallahassee, Florida 32399-0871, appearing on behalf of FPSC Staff, this 20th day of November, 1990.


John R. Marks, III

BST 6630
PSC

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PROFESSIONAL ASSOCIATION
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SPECIAL CONSULTANTS:
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GERALD C. WESTER*

*NOT MEMBERS OF THE
FLORIDA BAR

OF COUNSEL
RONALD R. RICHMOND
J. LARRY WILLIAMS

REPLY TO: TALLAHASSEE

December 11, 1990

Mr. Steve Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

891297-75

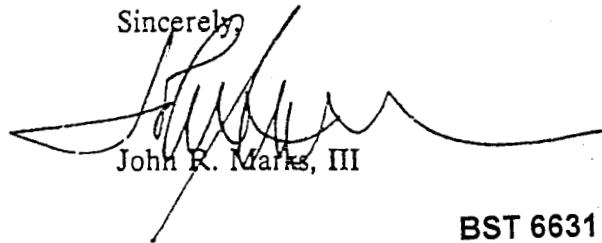
RE: Metropolitan Dade County

Dear Mr. Tribble:

Enclosed please find the original and twelve (12) copies of the Comments on Proposed Final Version of Shared Tenant Service Rules relating to Metropolitan Dade County, Florida.

If additional information is needed, please do not hesitate to contact me.

Sincerely,



John R. Marks, III

BST 6631
PSC

JRM/lcg

Enclosures

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12/11/90

Final Exhibit
No. 192

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relation to Shared Tenant)
Service Providers)
_____)

891297-TS
Docket No. ~~981297-TS~~

COMMENTS ON PROPOSED FINAL VERSION OF
SHARED TENANT SERVICE RULES

Metropolitan Dade County, Florida (County) through its Dade County Aviation Department (DCAD) pursuant to Rule 25-22.016, Florida Administrative Code (FAC) and Section 120.54, Florida Statutes (FS), files these comments regarding the proposed final version of Rules 25-24.550 thru 25-24-587, FAC relating to Shared Tenant Services (STS) providers.

1. At the December 4, 1990 Agenda Conference, the proposed adoption of the Shared Tenant Service rules was deferred. The deferral occurred as a result of discussion related to proposed Section 25-24.575 (11), F.A.C. related to compensation for STS provided facilities. Notwithstanding the recommendation of the staff, the hearing officer and the comments provided by parties to the rulemaking proceeding, it was directed that the language in the above reference section be modified to restrict the term "facilities". Such a restriction is unwarranted and not justified since there are other telecommunications facilities and circumstances which appropriately should require compensation by the LEC. (See Attachment A).

BST 6632
PSC

DOCUMENT NUMBER-DATE

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2. The prior comments of the various parties related to these rules specifically addresses the compensation issue. There is an obvious difference of opinion with regards to compensation for facilities to gain access to the tenant. It has been our position throughout this process that to continue to allow free and unrestricted access to the tenant is in direct opposition to the often espoused Commission policy to require the causer of cost to pay for that cost. For this reason the staff's language as contained in the original draft of the rules and as now contained in the current proposed rule is appropriate and correct.

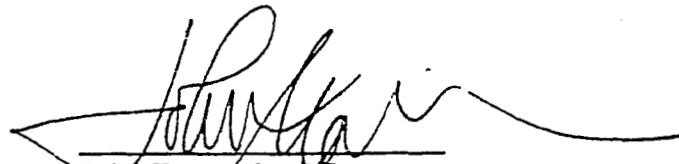
3. Notwithstanding the airport exemption as contained in the proposed rules, DCAD believes restrictive language in this instance would set an unwarranted precedent. Nevertheless, if the Commission should require that the term "facilities" to be narrowly construed to only mean cable, we would request that the following language or similar language be included as a part of Section 25-24.575 (11), F.A.C.

Nothing in this section shall preclude an STS provider or an STS building owner from requesting compensation for telecommunications facilities other than cable or providing such facilities pursuant to contract.

The intent and design of this language is obvious. This section of the rules should not completely and permanently foreclose the possibility of compensation when appropriate.

3. **WHEREFORE**, the County requests the Commission to consider the foregoing comments and adopt the rules regarding Shared Tenant Services as provided in the proposed final version of the rules provided by the hearing officer.

Respectfully submitted this 11th day of December 1990.



John R. Marks, III
Katz, Kutter, Haigler, Alderman,
Davis, Marks & Rutledge, P.A.
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
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Robert A. Ginsburg, County Attorney
Thomas P. Abbott, Assistant County
Attorney
Metropolitan Dade County Attorney
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Post Office Box 592075 AMF
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Attorneys for Intervenor Metropolitan
Dade County, Florida

BST 6634
PSC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and twelve (12) copies of the foregoing have been submitted to Steve Tribble, Director, Division of Records and Reporting, Room 107 Fletcher Building, 101 East Gaines Street, Florida Public Service Commission, Tallahassee, Florida 32399-0850 in accordance with Rule 25.22.0375, Florida Administrative Code, and that true and correct copies thereof have been furnished by U.S. Mail to Thomas R. Parker, Post Office Box 110, Mail Code 7, Tampa, Florida 33601, appearing on behalf of GTE, Lynn S. Anthony, 43 Southern Bell Center, 675 West Peachtree Street, Northeast, Atlanta, Georgia 30375 and E. Barlow Keener, Suite 1910, 150 West Flagler Street, Miami, Florida 33130, appearing on behalf of Southern Bell Telephone Company, Jean Kiddoo, Swidler and Berlin, 3000 K Street, Northwest, Washington, D.C. 20006, appearing on behalf of AmeriSystems Partnership and the Greater Orlando Aviation Authority and Christiana Moore, Florida Public Service Commission, Office of the General Counsel, 101 East Gaines Street, Tallahassee, Florida 32399-0871, appearing on behalf of FPSC Staff, this 11th day of December, 1990.


John R. Marks, III

BST 6635
PSC

ATTACHMENT A



Southern Bell

Room 200
100 N. E. 80 Terrace
Miami, Florida 33138
(305) 795-3165

Roger R. Puerto
District Engineer
North Dade

TC → J.H.

INTERESTING (see & list)

WHAT DO YOU SUGGEST?

WE DO WITH IT?

J.

File Code: 820.0200

November 9, 1990

Mr. Jim A. Nabors
Telecommunications Manager
Dade County Aviation Department
P.O. Box 592075
Miami, Florida 33159

Dear Jim:

This is to request that manhole DCAD #9 located in the cargo area be enlarged. Temporary repairs have been made on two air leaks in this manhole, but permanent repairs cannot be made until this manhole is enlarged.

If you have any questions, please call me or call Carlos Quintero at 795-3168.

Yours truly,

Roger R. Puerto
CQ/rg

Attachment

Copy to:
C. Piligian

ED

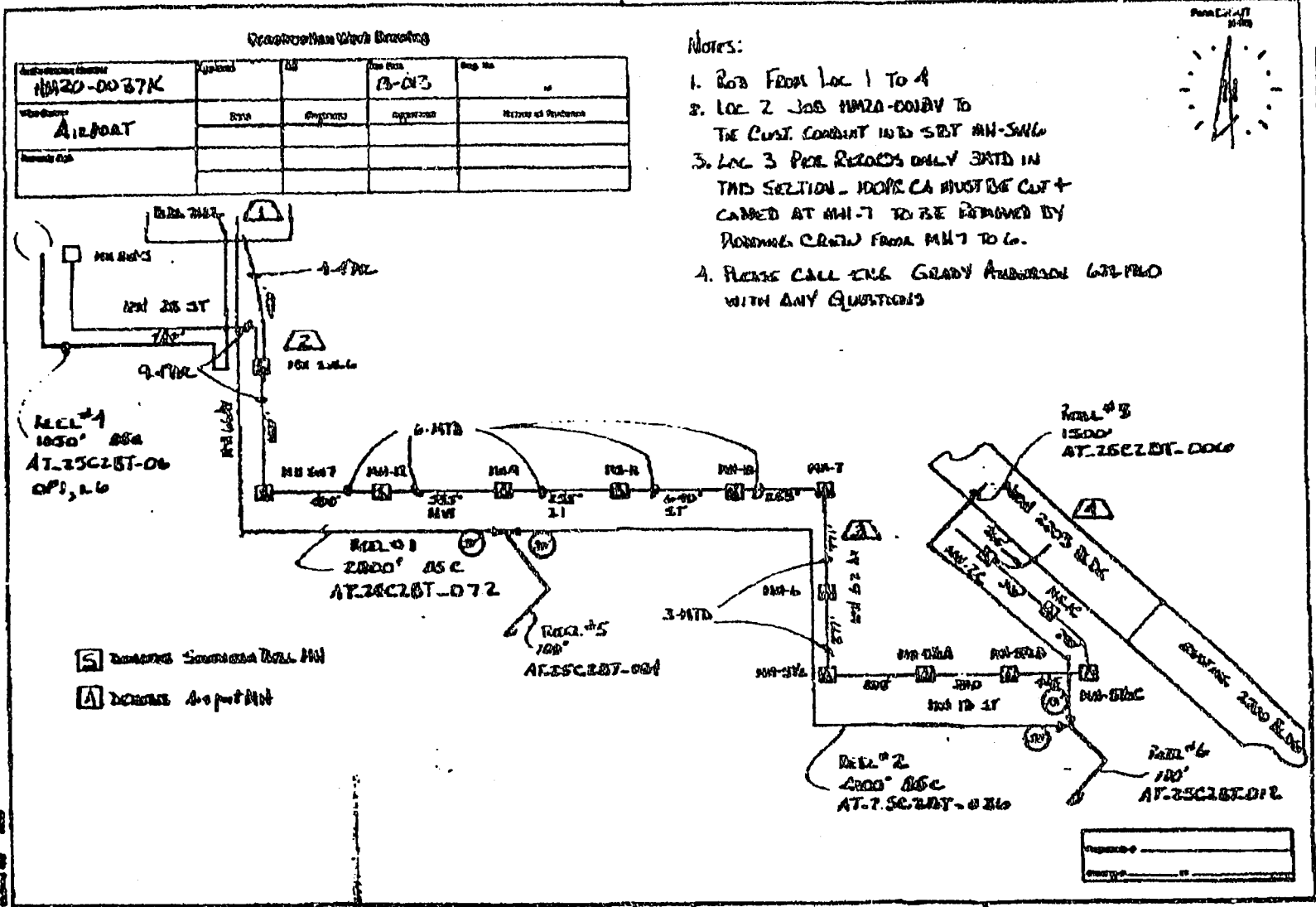
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rules)
25-24.550 through 25-24.587,)
Florida Administrative Code,)
Relating to Shared Tenant)
Service (STS) Providers.)

DOCKET NO. 891297-TS

ORDER NO. 23979

ISSUED: 1/10/91

NOTICE OF ADOPTION OF RULES

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rules 25-24.555, 25-24.557, 25-24.560, 25-24.565, 25-24.567, 25-24.568, 25-24.569, 25-24.572, 25-24.575, 25-24.580, 25-24.585, and the forms incorporated therein, F.A.C., relating to shared tenant service with changes.

The rules were filed with the Secretary of State on January 8, 1991, and will be effective on January 28, 1991. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
10th day of JANUARY, 1991.


STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

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Final Exhibit
No. 193

DOCUMENT NUMBER-DATE

00298 JAN 10 1991

PSC-RECORDS/REPORTING

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CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

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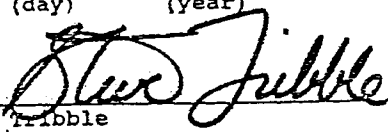
undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-24.555	350.127(2), F.S.	364.01, 364.339, F.S.
25-24.557	350.127(2), F.S.	364.01, 364.339, F.S.
25-24.560	350.127(2), F.S.	364.33, 364.335, 364.339, F.S.
25-24.565	350.127(2), F.S.	364.33, 364.335, 364.339, F.S.
25-24.567	350.127(2), F.S.	364.32, 364.33, 364.335, 364.337, 364.339, 364.345, F.S.
25-24.568	350.127(2), F.S.	364.33, 364.335, 364.339, 364.345, F.S.
25-24.569	350.127(2), F.S.	364.32, 364.33, 364.335, 364.337, 364.339, 364.345, F.S.
25-24.572	350.127(2), F.S.	350.113, 350.127(1), 364.285, 364.339, 364.345, F.S.
25-24.575	350.127(2), F.S.	364.03, 364.035, 364.337, 364.339, 364.345, F.S.
25-24.580	350.127(2), F.S.	364.337, 364.339, 364.345, F.S.
25-24.585	350.127(2), F.S.	350.113, 364.18, 364.185, 364.339, F.S.

Under the provision of paragraph 120.54(12)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

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Effective: _____
(month) (day) (year)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

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PSC

Rules 25-24.550
25-24.555
25-24.557
25-24.560
25-24.565
25-24.567
25-24.568
25-24.569
25-24.572
25-24.575
25-24.580
25-24.585
Docket No. 891297-TS

SUMMARY OF RULE

The proposed adoption of Rules 25-24.550 through 25-24.585, Florida Administrative Code, codify existing regulatory requirements imposed on STS providers as established by statute and Commission orders. The proposed rules address all facets of the provision of STS including, but not limited to, general construction and operating guidelines, types of STS companies, terms and conditions of key words and phrases, certification procedures (e.g., initial application, changes to application, or transfer, and cancellation of certificate), specific exemption, and applicable records, reports and tariffs.

The only substantive change between current regulation and proposed regulation is the requirement in Rule 25-24.585, that an annual report be filed with the Division of Communications by January 31st each calendar year. The rule adopts by reference Form PSC/CMU 36 and Form PSC/CMU 37. Form PSC/CMU 36 is the application form for authority to provide STS service with seven or more access lines. Form PSC/CMU 37 is the application form for authority to provide STS service on a key system with six or fewer access lines.

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SUMMARY OF HEARINGS ON THE RULE

A rulemaking hearing pursuant to section 120.54, Florida Statutes, was held August 31, 1990. The primary issues raised were: whether it was appropriate to codify existing guidance into rules; whether the local exchange companies (LEC) must compensate the STS providers for use of facilities; whether the STS providers should be required to notify their customers regarding the right to use the LEC instead. Participants at the hearing included local exchange companies and STS providers and a governmental airport authority.

Another public hearing was held December 4. At that agenda conference, Commissioners addressed their concern with the word "facilities" in section (11) of Rule 25-24.575 on Shared Tenant Service Operations. They asked staff to prepare a narrower phrase and come back to agenda.

On December 18, the Commission again addressed the issue of the phrase "facilities" in Rule 25-24.575(11). They voted to use the narrower word "cable." They also discussed at length the question of whether to provide an express avenue in the rules for STS providers to petition the Commission in unusual circumstances to require the LEC to compensate them for use of facilities other than cable. The Commission decided that the STS providers have that opportunity anyway and thus there was no need to add an express provision in the rule.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

In 1986, the Florida Legislature enacted Chapter 86-270, Laws

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Statutes. Section 364.339 grants the Public Service Commission exclusive jurisdiction over duplicative or competitive shared tenant service (STS) furnished through a common switching or billing arrangement to commercial tenants in a single building. The statute required the Commission to make a public interest determination by January 15, 1987. Docket No. 860455-TL was opened for that purpose.

As a result of the evidence developed in the hearings conducted in Docket No. 860466-TL in October, 1986, the Commission issued Order No. 17111. Order No. 17111 set forth the criteria STS providers had to meet for certification. Order No. 17368 denied reconsideration, but clarified certain portions of Order No. 17111.

Order No. 18325 provided for a more limited form of certification for STS providers utilizing key systems with six lines or less.

Up until proposal of these rules, STS providers have been operating under the provisions established by section 364.339, Florida Statutes, and Orders Nos. 17111, 17369, and 18325. Adoption of the proposed Rules 25-24.550 through 25-24.585, Florida Administrative Code, will codify the regulation and provision of shared tenant service operations.

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25-24.550 Reserved.

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1 25-24.555 Scope and Waiver.

2 (1) This part applies to persons or companies other than
3 local exchange telecommunications companies who share or resell
4 local exchange telecommunications service. As provided by Rules
5 25-4.002, 25-9.001, and 25-14.001, no provision of Chapters 25-4,
6 25-9 or, 25-14 shall apply to shared or resold local exchange
7 telecommunications service except as provided by Rule 25-4.041 and
8 this Part.

9 (2) To the extent these rules are inconsistent with
10 provisions of Chapter 364, Florida Statutes, regarding shared
11 tenant service, companies subject to this Part are exempted from
12 such provisions or are subject to different requirements than
13 otherwise prescribed for telecommunications companies under the
14 authority of section 364.339, Florida Statutes.

15 (3) A shared tenant service company may petition for
16 exemption from applicable portions of Chapter 364, Florida
17 Statutes, or for application of different requirements than
18 otherwise prescribed for telecommunications companies by Chapter
19 364, Florida Statutes, under the authority of section 364.339,
20 Florida Statutes.

21 (4) A shared tenant service company may petition for a waiver
22 of any provision of this part. The Commission may grant a waiver
23 to the extent that it determines that it is in the public interest
24 to do so. The Commission may grant the petition in whole or part
25 and may impose reasonable alternative regulatory requirements on

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1 the petitioning company. In disposing of a petition, the
2 Commission shall consider:

3 (a) The factors enumerated in section 364.339 (3), Florida
4 statutes:

5 (b) The extent to which competitive forces may serve the same
6 function as, or prevent the necessity for, the provision sought to
7 be waived; and

8 (c) Alternative regulatory requirements for the company which
9 may serve the purposes of this part.

10 (5) Any statutory exemptions granted or rule waivers granted
11 prior to the adoption of this rule are void, and to the extent not
12 covered in this rule, must be renewed.

13 Specific Authority: 350.127 (2), F.S.

14 Law Implemented: 364.01, 364.339, F.S.

15 History: New.
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1 25-24.557 Types of Shared Tenant Service Companies.

2 (1) For purposes of this Part, shared tenant service provided
3 through a key system with seven or more lines or a Private Branch
4 Exchange (PBX) constitutes a major shared tenant service company.
5 shared tenant service provided through a key system or hybrid
6 system with six or fewer lines is determined to be a minor shared
7 tenant service company.

8 (2) A company desiring a status change from a major shared
9 tenant service company to a minor shared tenant service company
10 shall apply to the Commission for approval of said status change.
11 A company whose status changes from a minor shared tenant service
12 company to a major shared tenant service company shall first submit
13 an application on Form PSC/CMU 36 (/), entitled "Application
14 Form For Authority To Provide Shared Tenant Service," in accordance
15 with Rule 25-24.567.

16 Specific Authority: 350.127 (2), F.S.

17 Law Implemented: 364.01, 364.339, F.S.

18 History: New.
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1 25-24.560 Terms and Definitions. For purposes of this Part,
2 the following definitions apply:

3 (1) "Unaffiliated Entities" means those corporations,
4 partnerships, proprietorships, or other groups that control less
5 than 50 percent of the stock of the entity which claims to be
6 affiliated.

7 (2) "Agent" means one authorized to act on behalf of another.

8 (3) "Company" means a shared tenant service company.

9 (4) "Interexchange Company" means any telecommunications
10 company, as defined in section 364.02(7), Florida Statutes, which
11 provides telecommunication service between exchange areas as those
12 areas are described in the approved tariffs of individual local
13 exchange companies.

14 (5) "Key System" means a multi-line system in which the user
15 can select a specific line for outgoing communications by pressing
16 the button associated with that line on the phone.

17 (6) "Local Exchange Company" means any telecommunications
18 company, as defined in section 364.02(7), Florida Statutes, which
19 provides telecommunication service within exchange areas as those
20 areas are described in the approved tariffs of the
21 telecommunications company.

22 (7) "Local Service Area" or "Local Calling Area" means the
23 area within which telecommunications service is furnished to
24 subscribers under a specific schedule of exchange rates and within
25 which calls may be completed without toll charges. A local service

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1 area may include one or more exchange areas or portions of exchange
2 areas.

3 (8) "Pay telephone service company" means any telecommunica-
4 tions company, as defined in section 364.02(7), Florida Statutes,
5 other than a Local Exchange Company, which provides pay telephone
6 service as defined in section 364.335(3), Florida Statutes.

7 (9) "Private Branch Exchange" or "PBX" means a system in
8 which trunk lines connect a telephone company central office to a
9 switching system which directs incoming calls to the appropriate
10 user.

11 (10) "Shared tenant service" as defined in section
12 364.339(1), Florida Statutes, means the provision of service which
13 duplicates or competes with local service provided by an existing
14 local exchange telecommunications company and is furnished through
15 a common switching or billing arrangement to commercial tenants
16 within a single building by an entity other than an existing local
17 exchange telecommunications company.

18 (11) "Single building" means one structure under one roof.

19 Specific Authority: 350.127(2), F.S.

20 Law Implemented: 364.33, 364.335, 364.339, F.S.

21 History: New.
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1 25-24.565 Certificate of Public Convenience and Necessity
2 Required.

3 No person shall provide shared tenant service without first
4 obtaining a certificate of public convenience and necessity from
5 the Commission. Services may not be provided, nor may deposits or
6 payment for services be collected, until the effective date of a
7 certificate, if granted. However, acquisition of equipment and
8 facilities, as well as advertising and other promotional activities
9 may begin prior to the effective date of the certificate at the
10 applicant's risk that it may not be granted. In any customer
11 contracts for advertisements prior to certification, the applicant
12 must advise the customer that certification has not and may never
13 be granted.

14 Specific Authority: 350.127(2), F.S.

15 Law Implemented: 364.33, 364.335, 364.339, F.S.

16 History: New.
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1 25-24.567 Application for Certificate.

2 (1) An applicant desiring to provide major shared tenant
3 service shall submit an application on Commission Form PSC/CMU 36
4 (/), which is incorporated into this rule by reference. Form
5 PSC/CMU 36 (/), entitled "Application Form For Authority To
6 Provide Shared Tenant Service," was effective on _____
7 and may be obtained by contacting the Commission's Division of
8 Communications. An application fee of \$100.00 must accompany the
9 filing of applications where tariffs are not required (5 lines or
10 less). Application fees of \$135.00 are required when tariffs must
11 be submitted. These are non-refundable fees to cover the costs of
12 processing the applications, and they have no relevance on the
13 approval or denial of certificates.

14 (2) An applicant desiring to provide minor shared tenant
15 service shall submit an application on Commission Form PSC/CMU 37
16 (/), which is incorporated into this rule by reference. Form
17 PSC/CMU 37 (/), entitled "Application To Provide Shared Tenant
18 Service within the State of Florida, Resale of Local Telephone
19 Service on a Key System with Six or Fewer Access Lines' was
20 effective on _____ and may be obtained from the
21 Commission's Division of Communications.

22 (3) An original and twelve (12) copies of the application
23 shall be filed with the Division of Records and Reporting.

24 (4) A certificate will be granted if the Commission
25 determines that such approval is in the public interest.

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1 (5) Any shared tenant service authority previously granted or
2 granted hereafter is subject to the following:

3 (a) Shared tenant authority granted to all companies is on a
4 location-by-location basis and is restricted to commercial tenants
5 in a single building.

6 (b) Each shared tenant service applicant shall agree to:

7 1. Advise all customers of its current rates for resold
8 local exchange service and its quality of service
9 standards.

10 2. Inform each customer in advance of agreement to
11 provide service, that the Florida Public Service
12 Commission will not set rates or regulate the
13 service quality standards.

14 (c) A certificate to provide shared tenant service does not
15 carry with it the authority to provide interexchange or pay
16 telephone service. A separate application must be made for such
17 authority.

18 Specific Authority: 350.127(2), F.S.

19 Law Implemented: 364.32, 364.31, 364.335, 364.337, 364.339,
20 364.345, F.S.

21 History: New
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1 25-24.568 Improper Use of a Certificate.

2 (1) No certificate of public convenience and necessity
3 authorizing shared tenant service may be sold, assigned or
4 transferred by the holder to another without prior Commission
5 approval. No certificate shall be used as collateral for any
6 purpose.

7 Specific Authority: 350.127(2), F.S.

8 Law Implemented: 364.33, 364.335, 364.339, 364.345, F.S.

9 History: New.

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1 25-24.569 Application for Approval of Sale, Assignment, or
2 Transfer of Certificate.

3 (1) A company desiring to obtain a certificate by sale,
4 assignment or transfer from the holder thereof shall submit an
5 application jointly with the certificate holder on either
6 Commission Form PSC/CMU 36 (/) for a major shared tenant
7 service company or Commission Form PSC/CMU 37 (/) for a minor
8 shared tenant service company, which are incorporated into this
9 rule by reference. Form PSC/CMU 36 (/) is entitled
10 "Application Form for Authority to Provide Shared Tenant Service"
11 and became effective on _____ . Form PSC/CMU 37 (/) is
12 entitled "Application Form for Authority to Provide Shared Tenant
13 Service within the State of Florida, Resale of Local Telephone
14 Service on a Key System with Six or Fewer Access Lines," and became
15 effective _____ . Either application may be obtained by
16 contacting the Commission's Division of Communications.

17 (2) An original and twelve (12) copies of the application
18 shall be filed with the Division of Records and Reporting.

19 (3) An application for sale, assignment or transfer of a
20 certificate will be granted if the Commission determines that such
21 approval is in the public interest.

22 (4) A certificate may be sold, assigned or transferred only
23 as a whole.

24 Specific Authority: 350.127(2), F.S.

25 Law Implemented: 364.32, 364.33, 364.35, 364.37, 364.39.

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- 1 364.345, F.S.
- 2 History: New.
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1 25-24.572 Cancellation of a Certificate.

2 (1) The Commission may cancel a company's certificate for any
3 of the following reasons:

4 (a) Violation of the terms and conditions under which the
5 authority was originally granted;

6 (b) Violation of Commission rules or orders;

7 (c) Violation of Florida Statutes; or

8 (d) Failure to provide service for a period of six (6)
9 months.

10 (2) If a certificated company desires to cancel its
11 certificate, it shall request cancellation from the Commission in
12 writing and shall provide the following with its request:

13 (a) The original certificate

14 (b) Statement of intent and date to pay Regulatory Assessment
15 Fee.

16 (c) Statement of why the certificate is proposed to be
17 cancelled.

18 (d) Proof of individual customer notice regarding
19 discontinuance of service.

20 (e) Statement on treatment of customer deposits and final
21 bills.

22 (3) Cancellation of a certificate shall be ordered subject to
23 the holder providing the information required by Subsection (2).

24 Specific Authority: 350.127(2), F.S.

25 Law Implemented: 350.113, 350.127(1), 364.285, 364.339, 364.345.

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History: New.

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1 25-24.575 Shared Tenant Service Operations.

2 (1) All shared tenant service providers shall allow local
3 exchange companies direct access to tenants who desire local
4 service from the local exchange company instead of the shared
5 tenant service provider.

6 (2) Each shared tenant service provider shall allow direct
7 access to local exchange company "zero" operators for emergencies
8 and for toll service.

9 (3) Each shared tenant service provider shall allow direct
10 access to 911 service where available.

11 (4) Each shared tenant service provider shall offer
12 unrestricted access to all locally available interexchange
13 companies.

14 (5) Where two (2) or more buildings are served by the same
15 private branch exchange (PBX), the trunks serving each building
16 shall be separately partitioned.

17 (6) Shared tenant service customers in one building shall not
18 access or use the trunks partitioned for another building.

19 (7) Shared tenant service shall be provided to commercial
20 tenants in a single building.

21 (8) Shared tenant service shall be limited to a total of 250
22 inward, outward and combinational trunks per private branch
23 exchange (PBX).

24 (9) Shared tenant service providers shall not be allowed to:

25 (a) Provide shared WATS unless a separate certificate is

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1 granted pursuant to Rule 25-24.470.

2 (b) Establish dedicated facilities (provide lines) direct to
3 an interexchange company's point of presence (POP).

4 (c) Construct facilities for interconnecting other shared
5 tenant service locations.

6 (d) Allow intercommunication between unaffiliated commercial
7 entities.

8 (10) The LEC must be able to gain access to all facilities up
9 to the demarcation point of the tenant's premises, and retain
10 responsibility for provision and maintenance of the network up to
11 that point.

12 (11) If the LEC uses the STS provider's or the STS building
13 owner's cable to gain access to the tenant, the LEC shall be
14 required to provide reasonable compensation. Such compensation
15 shall not exceed the amount it would have cost the LEC to serve the
16 tenant through installation of its own cable. This cost must be
17 calculated on a pro rata basis.

18 (12) In those circumstances where the STS provider and
19 landlord of a building are not the same, the STS provider shall
20 obtain and guarantee the permission of the building owner to allow
21 direct access by the LEC to any tenant upon the tenant's request.
22 This will be a condition of certification.

23 Specific Authority: 350.127(2), F.S.

24 Law Implemented: 364.03, 364.035, 364.337, 364.339, 364.345, F.S.

25 History: New.

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

1 25-24.580 Airport Exemption.

2 Airports are exempted from the STS rules due to the necessity
3 to ensure the safe and efficient transportation of passengers and
4 freight through the airport facility. If airports extend their
5 sharing of local services to facilities such as hotels, shopping
6 malls and industrial parks, the airport will be required to be
7 certificated as a shared tenant service provider. However, the
8 airport could partition the trunks serving those entities and
9 forego STS certification.

10 Specific Authority: 350.137(2), F.S.

11 Law Implemented: 364.337, 364.339, 364.345, F.S.

12 History: New.

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1 25-24.585 Records and Reports; Rules Incorporated.

2 (1) The following rules are incorporated herein by reference
3 and apply to shared tenant service companies:

		<u>PORTIONS</u>
		<u>NOT APPLICABLE</u>
4		
5	<u>SECTION</u>	<u>TITLE</u>
6	<u>25-4.019</u>	<u>Records & Reports in General</u>
7	<u>25-4.020</u>	<u>Location & Preservation of Records</u>
8	<u>25-4.041</u>	<u>Inquiries</u>
9	<u>25-4.0161</u>	<u>Regulatory Assessment Fees</u>

10 (2) Each shared tenant service company shall file with the
11 Commission's Division of Communications updated information for the
12 following items within ten (10) days after either such change
13 occurs.

14 (a) The mailing address of the certificate holder.

15 (b) Name, title and phone number of individual responsible
16 for Commission contacts.

17 (3) Each shared tenant service company shall file with the
18 Division of Communications by January 31 each year a report showing
19 the following:

20 (a) Certificate number;

21 (b) Name of certificate holder;

22 (c) Certificated or building address;

23 (d) Mailing address;

24 (e) Type of switch;

25 (f) Number of trunks or lines;

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- 1 (g) Statement of whether the company is currently providing
- 2 shared tenant service;
- 3 (h) Number of customers being served;
- 4 (i) Last date service was provided to customers, if no longer
- 5 providing service; and
- 6 (j) Plans for providing service in the future if not
- 7 presently providing service.
- 8 Specific Authority: 350.127(2), F.S.
- 9 Law Implemented: 350.113, 364.18, 364.185, 364.339, F.S.
- 10 History: New.
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~~struck-through~~ type are deletions from existing law.

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DOCKET NO. 891297-TS
PAGE 27

CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

(1) That paragraph (2) incorporates Form PSC/CMU 36 (4/90) into Rule 25-24.557 by reference.

(2) That Form PSC/CMU 36 (4/90) consists of an application form for authority to provide major shared tenant service.



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

BST 6664
PSC

ORDER NO. 23979
DOCKET NO. 891297-TS
PAGE 28

** FLORIDA PUBLIC SERVICE COMMISSION **

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION
101 E. Gaines Street
Fletcher Building
Tallahassee, Florida 32399-0866

APPLICATION FORM

FOR

AUTHORITY TO PROVIDE SHARED TENANT SERVICE

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:
- Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280
- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:
- Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

FORM PSC/CMU 36 (4/90)
Required by Commission Order No. 17111
Dated January 15, 1987
(0416C)

BST 6665
PSC

ORDER NO. 23979
DOCKET NO. 891297-TS
PAGE 29

1. This is an application for (check one):
 - () Original Authority (New company).
 - () Approval of Sale/Transfer (To another certificated company).
 - () Approval of Assignment of existing certificate (To a noncertificated company).
2. The legal name of the applicant:
3. Name under which the applicant will do business:
 - (a) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.
4. Address of the building to be served (include street name and number, city, state and zip code).
5. Address of the applicant (include street name and number, suite number, P.O. box, city, state and zip code). If mailing address differs from above, provide that also.
6. Who is to serve as liaison with the Commission in regard to (please give name, title, address and telephone number):
 - (a) The application:
 - (b) Official Point of Contact for the ongoing operations of the company:
 - (c) Tariff:

(d) Complaints/Inquiries from customers:

7. Structure of organization: () Individual
() Corporation
() Foreign Corporation
() Foreign Partnership
() General Partnership
() Limited Partnership
() Other, _____
8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.
- 8) Provide proof of compliance with the foreign partnership statute (Chapter 620.169 FS), if applicable.
9. If incorporated, give name, titles and addresses of the directors, chief officers and ten largest stockholders.
10. If incorporated, please give:
(a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.
(b) Name and address of the company's Florida registered agent.
11. Provide information as to whether any of the officers or directors have been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.
12. Indicate if any of the officers, directors, partners or stockholders have previously been and/or currently are an officer, director, partner or stockholder in any other Florida certificated telephone company.
- (a) If yes, give name of company and relationship.

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(b) If no longer associated with company, give reason why not.

13. Who will receive the bills for your service?
() Business customers for use at their business.
() Other: (specify) _____
14. Who will send the bill for your services?
Provide name and address.
15. When billed party receives bill for your services, will the name of your company appear on the bill (provide copy of bill)?
If not, explain why?
16. Who will the billed party contact to ask questions about the bill (Provide name and phone number). How will he be informed of this?
17. What effect will your company's operation have on the quality of service available from alternate suppliers?
18. What effect will your company's operation have on telephone service rates charged to customer's of other companies?
19. Please submit the proposed tariff under which the company plans to begin operation. Use the format enclosed.
20. List other states in which you provide stated tenant service?

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21. Of that list, which states have regulatory requirements for certification?

22. Have you ever received B1 or R1 STS access service from a Florida LEC?

If yes, who and when?

23. Have you ever been denied a certificate or been required to show cause or been penalized in another state?

If yes, give details.

24. What type of PBX serves your building?

25. How many trunks go into your PBX for the single building?

26. When did you start providing services as a shared tenant provider?

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DOCKET NO. 891297-TS
PAGE 33

I UNDERSTAND THAT I AM REQUIRED TO PAY REGULATORY ASSESSMENT FEE (MINIMUM \$25.00 PER CALENDAR YEAR) AND GROSS RECEIPTS TAX. FURTHERMORE, I AGREE TO KEEP THE COMMISSION ADVISED OF ANY CHANGES IN THE ITEMS LISTED IN THIS APPLICATION.

Date: _____

I, _____
attest to the accuracy of the information contained in this application
(including Attachments) and will comply with all current and future
Commission requirements regarding interexchange telephone service.

ORDER NO. 23979
DOCKET NO. 891297-TS
PAGE 34

** APPENDIX A **

TO BE COMPLETED ONLY IF CERTIFICATE IS TO BE
TRANSFERRED
ASSIGNED OR SOLD.

I, _____, of

(Certificate Holder)

have reviewed this application and join in the petitioner's request.

(Signature of Owner/Chief Officer of Certificate holder)

(Date)

**** APPENDIX B ****

CUSTOMER DEPOSITS and ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- () a. The applicant will not collect deposits nor will it collect payments for service more than one month in advance.

- () b. The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

(Signature of Owner/Chief Officer of Applicant)

(Date)

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Shared Tenant Service in Florida.

Signature: _____

Title : _____

Date : _____

**** Appendix C ****

CURRENT FLORIDA INTRASTATE SERVICES

Applicant has () / has not () previously provided shared tenant services in Florida.

If the answer above is has, fully describe the following:

(a) What services have been provided? _____

(b) When did these services begin? _____

(c) If not currently offered, when was it discontinued? _____

DATE: _____

NAME: _____

SIGNATURE: _____

APPLICANT: _____

**** APPENDIX D ****

SUMMARY OF SHARED TENANT SERVICE APPLICATION

1. Principal U.S. Office: _____

2. Principal Florida Office: _____

3. Contact Person (Name) _____
(Address) _____
(City) _____
(Phone) _____
4. Nonrecurring Charges: _____

5. Rate Offering: _____

6. Deposit Practices: _____

7. Service Location:(List the address of where you intend to do business)

** GLOSSARY **

1. "Access Code." The term denotes a uniform four or seven digit code assigned by a company to an individual IXC. The five digit code has the form 10XXX and the seven digit code has the form 950-10XX.
2. "ATTIX." The term denotes the interexchange carrier of American Telephone and Telegraph Company (AT&T).
3. "Carriers Carrier." An IXC that provides telecommunications service, mainly bulk transmission service, to other IXC only.
4. "Central Office." A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NXX) used shall be considered a separate central office unit.
5. "Central Office Code." The term denotes the first three digits (NXX) of the seven (7) digit telephone number assigned to a customer's telephone exchange service.
- "Commission." The Florida Public Service Commission.
7. "Company" "Telephone Company" "Utility." These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.
8. "Dedicated Facility." The term denotes a transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.
9. "End User." The term denotes any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (B) subscribes to interstate services provided by an IXC or uses the services of the IXC when the IXC provides interstate service for its own use.
10. "Equal Access Exchange Areas." EAEA means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.
11. "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

22. "Local Access and Transport Area." LATA means the geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.
23. "Local Exchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.
24. "900 Service." A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.
25. "Pin Number." A group of numbers used by a company to identify their customers.
26. "Pay Telephone Service Company." means any telephone company, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.
27. "Primary Service." Individual line service or party line service.
28. "Reseller." An IXC that does not have any facilities but purchases telecommunications service from an IXC and then resells that service to others.
29. "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.
30. "Subscriber" "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.
31. "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.
32. "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.
33. "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.
34. "Trunk." A communication channel between central office units or entities, or private branch exchanges.

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DOCKET NO. 891297-TS
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(STS Provider's Name) _____

PAGE NO. 1

(Building Name and Address) _____

REVISION NO. _____

(Certificate Number) _____

LOCAL EXCHANGE SERVICE TARIFF

I hereby certify _____
(STS Provider's Name)

is charging the following monthly rates for local exchange service only:

Per Access Line* _____
Discounts (if Applicable) _____
Other (Specify) _____
Direct-Inward-Dialing Number _____
LEC Directory Listing _____

* If you charge differing rates for different tenants, this information should be provided. Separate each rate by a comma. If additional space is required, use Page No. 2,3, etc.

All subsequent changes will be filed with the Florida Public Service Commission, Communications Division, 101 E. Gaines Street, Tallahassee, FL, 32399-0866, at least 30 days prior to changes becoming effective.

BY:

EFFECTIVE:

(Officer or Partner)

(Date)

(STS Provider's Name)

(Address)

(Telephone Number)

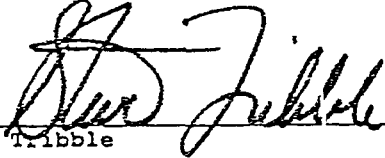
Schedule A, Form PSC/CDD 16 (/)

ORDER NO. 23979
DOCKET NO. 891297-TS
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CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

- (1) That paragraph (2) incorporates Form PSC/CMU 36 (4/90) into Rule 25-24.567 by reference.
- (2) That Form PSC/CMU 36 (4/90) consists of an application form for authority to provide major shared tenant service.



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

BST 6678
PSC

ORDER NO. 23979
DOCKET NO. 891297-TS
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.. FLORIDA PUBLIC SERVICE COMMISSION ..

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION
101 E. Gaines Street
Fletcher Building
Tallahassee, Florida 32399-0866

APPLICATION FORM

FOR

AUTHORITY TO PROVIDE SHARED TENANT SERVICE

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280

- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:

Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

FORM PSC/CMU 36 (4/90)
Required by Commission Order No. 17111
Dated January 15, 1987
(0416C)

BST 6679
PSC

ORDER NO: 23979
CKET NO. 891297-TS
PAGE 44

1. This is an application for (check one):
 - () Original Authority (New company).
 - () Approval of Sale/Transfer (To another certificated company).
 - () Approval of Assignment of existing certificate (To a noncertificated company).
2. The legal name of the applicant:
3. Name under which the applicant will do business:
 - (a) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.
4. Address of the building to be served (include street name and number, city, state and zip code).
5. Address of the applicant (include street name and number, suite number, P.O. box, city, state and zip code). If mailing address differs from above, provide that also.
6. Who is to serve as liaison with the Commission in regard to (please give name, title, address and telephone number):
 - (a) The application:
 - (b) Official Point of Contact for the ongoing operations of the company:
 - (c) Tariff:

(d) Complaints/Inquiries from customers:

7. Structure of organization; () Individual
() Corporation
() Foreign Corporation
() Foreign Partnership
() General Partnership
() Limited Partnership
() Other, _____
8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.
- a) Provide proof of compliance with the foreign partnership statute (Chapter 620.169 FS), if applicable.
9. If incorporated, give name, titles and addresses of the directors, chief officers and ten largest stockholders.
10. If incorporated, please give:
(a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.
(b) Name and address of the company's Florida registered agent.
11. Provide information as to whether any of the officers or directors have been adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.
12. Indicate if any of the officers, directors, partners or stockholders have previously been and/or currently are an officer, director, partner or stockholder in any other Florida certificated telephone company.
- (a) If yes, give name of company and relationship.

ORDER NO. 23979

DOCKET NO. 891297-TS

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(b) If no longer associated with company, give reason why not.

13. Who will receive the bills for your service?
 Business customers for use at their business.
 Other: (specify) _____
14. Who will send the bill for your services?
Provide name and address.
15. When billed party receives bill for your services, will the name of your company appear on the bill (provide copy of bill)?
If not, explain why?
16. Who will the billed party contact to ask questions about the bill (Provide name and phone number). How will he be informed of this?
17. What effect will your company's operation have on the quality of service available from alternate suppliers?
18. What effect will your company's operation have on telephone service rates charged to customer's of other companies?
19. Please submit the proposed tariff under which the company plans to begin operation. Use the format enclosed.
20. List other states in which you provide shared tenant service?

21. Of that list, which states have regulatory requirements for certification?

22. Have you ever received BI or RI STS access service from a Florida LEC?
If yes, who and when?

23. Have you ever been denied a certificate or been required to show cause or been penalized in another state?
If yes, give details.

24. What type of PBX serves your building?

25. How many trunks go into your PBX for the single building?

26. When did you start providing services as a shared tenant provider?

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DOCKET NO. 891297-TS
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I UNDERSTAND THAT I AM REQUIRED TO PAY REGULATORY ASSESSMENT FEE (MINIMUM \$25.00 PER CALENDAR YEAR) AND GROSS RECEIPTS TAX. FURTHERMORE, I AGREE TO KEEP THE COMMISSION ADVISED OF ANY CHANGES IN THE ITEMS LISTED IN THIS APPLICATION.

Date: _____

I, _____
attest to the accuracy of the information contained in this application
(including Attachments) and will comply with all current and future
Commission requirements regarding interexchange telephone service.

NO. 23979
ET NO. 891297-TS
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** APPENDIX A **

TO BE COMPLETED ONLY IF CERTIFICATE IS TO BE
TRANSFERRED
ASSIGNED OR SOLD.

I, _____, of

(Certificate Holder)

have reviewed this application and join in the petitioner's request.

(Signature of Owner/Chief Officer of Certificate holder)

(Date)

ORDER NO. 23979
DOCKET NO. 891297-TS
PAGE 50

**** APPENDIX B ****

CUSTOMER DEPOSITS and ADVANCE PAYMENTS

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- () a. The applicant will not collect deposits nor will it collect payments for service more than one month in advance.

- () b. The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

(Signature of Owner/Chief Officer of Applicant)

(Date)

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Requirements relating to my provision of Shared Tenant Service in Florida.

Signature: _____

Title : _____

Date : _____

ORDER NO. 23979
CKET NO. 891297-TS
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**** Appendix C ****

CURRENT FLORIDA INTRASTATE SERVICES

Applicant has () / has not () previously provided shared tenant services in Florida.

If the answer above is has, fully describe the following:

(a) What services have been provided? _____

(b) When did these services begin? _____

(c) If not currently offered, when was it discontinued? _____

DATE: _____

NAME: _____

SIGNATURE: _____

APPLICANT: _____

**** APPENDIX D ****

SUMMARY OF SHARED TENANT SERVICE APPLICATION

- 1. Principal U.S. Office: _____

- 2. Principal Florida Office: _____

- 3. Contact Person (Name) _____
(Address) _____
(City) _____
(Phone) _____
- 4. Nonrecurring Charges: _____

- 5. Rate Offering: _____

- 6. Deposit Practices: _____

- 7. Service Location:(List the address of where you intend to do business)

** GLOSSARY **

1. "Access Code." The term denotes a uniform four or seven digit code assigned by a company to an individual IXC. The five digit code has the form 10XXX and the seven digit code has the form 950-10XX.
2. "ATTIX." The term denotes the interexchange carrier of American Telephone and Telegraph Company (AT&T).
3. "Carriers Carrier." An IXC that provides telecommunications service, mainly bulk transmission service, to other IXC only.
4. "Central Office." A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NXX) used shall be considered a separate central office unit.
5. "Central Office Code." The term denotes the first three digits (NXX) of the seven (7) digit telephone number assigned to a customer's telephone exchange service.
6. "Commission." The Florida Public Service Commission.
7. "Company" "Telephone Company" "Utility." These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.
8. "Dedicated Facility." The term denotes a transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.
9. "End User." The term denotes any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (B) subscribes to interstate services provided by an IXC or uses the services of the IXC when the IXC provides interstate service for its own use.
10. "Equal Access Exchange Areas." EAEA means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.
11. "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

12. "Exchange (Service) Area." The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.
13. "Extended Area Service." A type of telephone service furnished under tariff provision whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.
14. "Facilities Based." An IXC that has its own transmission and/or switching equipment or other elements of equipment and does not rely on others to provide this service.
15. "Foreign Exchange Services." A classification of exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.
16. "Feature Groups." General categories of unbundled tariffs to stipulate related services.
 - Feature Group A: Line side connections presently serving specialized common carriers.
 - Feature Group B: Trunk side connections without equal digit or code dialing.
 - Feature Group C: Trunk side connections presently serving AT&T-C
 - Feature Group D: Equal trunk access with subscription.
17. "Interexchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.
18. "Inter-office Call." A telephone call originating in one central office unit or entity but terminating in another central office unit or entity both of which are in the same designated exchange area.
19. "Intra-office Call." A telephone call originating and terminating within the same central office unit or entity.
20. "Intrastate Communications." The term denotes any communications in Florida subject to oversight by the Florida Public Service Commission as provided by the laws of the State.
21. "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

22. "Local Access and Transport Area." LATA means the geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.
23. "Local Exchange Company." means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.
24. "900 Service." A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.
25. "Pin Number." A group of numbers used by a company to identify their customers.
26. "Pay Telephone Service Company." means any telephone company, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.
27. "Primary Service." Individual line service or party line service.
28. "Reseller." An IXC that does not have any facilities but purchases telecommunications service from an IXC and then resells that service to others.
29. "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.
30. "Subscriber" "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.
31. "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.
32. "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.
33. "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.
34. "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(STS Provider's Name) _____

(Building Name and Address) _____

(Certificate Number) _____

PAGE NO. 1

REVISION NO. _____

LOCAL EXCHANGE SERVICE TARIFF

I hereby certify _____
(STS Provider's Name)

is charging the following monthly rates for local exchange service only:

Per Access Line* _____
Discounts (If Applicable) _____
Other (Specify) _____
Direct-Inward-Dialing Number _____
LEC Directory Listing _____

* If you charge differing rates for different tenants, this information should be provided. Separate each rate by a comma. If additional space is required, use Page No. 2,3, etc.

All subsequent changes will be filed with the Florida Public Service Commission, Communications Division, 101 E. Gaines Street, Tallahassee, FL, 32399-0866, at least 30 days prior to changes becoming effective.

BY:

EFFECTIVE:

(Officer or Partner)

(Date)

(STS Provider's Name)

(Address)

(Phone Number)

Schedule A, Form PSC/COM 16 (/)

ORDER NO. 23979
DOCKET NO. 891297-TS
PAGE 57

CERTIFICATION OF
INCORPORATION BY REFERENCE

I do hereby certify:

(1) That paragraph (11) incorporates Form PSC/CMU 37 (4/90) into Rule 25-24.567 by reference.

(2) That Form PSC/CMU 37 (4/90) consists of an application form for authority to provide minor shared tenant service.



Steve Fribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

BST 6693
PSC

FLORIDA PUBLIC SERVICE COMMISSION
APPLICATION FORM
FOR
AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICE
WITHIN THE STATE OF FLORIDA
INSTRUCTIONS

- A. This three page form is used both for an original application for a certificate and for an application for approval of transfer of majority organization control. Each applicant should complete the part applicable to their request.
- B. Respond to each item requested below. If an item is not applicable, explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:
- E. Once completed, the original and twelve (12) copies of this form are to be submitted to:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
101 East Gaines Street
Tallahassee, Florida 32399-0866
(904) 488-1280

Florida Public Service Commission
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399-0870
(904) 488-8371

0250C

FORM PSC/KMU 37

BST 6694
PSC

FLORIDA PUBLIC SERVICE COMMISSION
APPLICATION FOR AUTHORITY TO PROVIDE SHARED TENANT SERVICE
RESALE OF LOCAL TELEPHONE SERVICE ON A KEY SYSTEM
WITH SIX OR FEWER ACCESS LINES

Name of Provider _____ Telephone No. () _____

Address of Provider* _____
(Street) (City) (State) (Zip)

Address of Building being served by Key System _____
(Street)

(City) (State) (Zip)

Type of Key Equipment _____

Number of current local access lines installed _____**

How will you protect the security of the customer's deposits and advance payments? (Please check one)

- a. I will not collect deposits nor will I collect payments for service more than one month in advance.
- b. I will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month.

I, _____ (Name) _____ (Title) attest to

the fact that I will comply with the current Commission requirements regarding the provision of local telephone service using a key system with six or fewer lines, and I will abide with all of the Commission requirements. I understand that I must apply for a separate IXC (Interexchange Carrier) certificate if I resell long distance service to my clients.

(Signature of Owner/Chief Office of Provider)

(Date)

- * Certificate will be sent to this address unless otherwise requested in writing.
- ** If more than six lines, or if service is through a PBX, please request a long application form required by Commission Orders 18325 and 17111.

REQUIREMENTS FOR PROVISIONS OF STS ON A KEY SYSTEM
WITH SIX OR FEWER ACCESS LINES

The following regulations and limitations will apply to all providers of Shared Tenant Services (STS) who have six or fewer key system lines.

1. Certification by the Florida Public Service Commission (FPSC) is required to operate as a Shared Tenant Provider.
2. Service shall be limited to commercial tenants in a single building, i.e., one structure under one roof.
3. Each STS provider must inform its subscribers of all its rates and charges as well as its quality of service standards.
4. No STS provider shall interfere with the rights of its tenant to obtain service directly from the local exchange company (LEC).
5. Each STS provider who provides access to interexchange companies shall permit unrestricted access to all locally available interexchange telephone companies.
6. Each STS provider must allow access to LEC operators for emergencies.
7. Each STS provider must allow access to 911 service if available.
8. Each STS provider shall not engage in facilities bypass nor shall it allow intercommunication among unaffiliated entities.
9. Each STS provider must file a regulatory assessment fee revenue report twice a year and pay a regulatory assessment fee.
10. Each STS provider must file gross receipts tax reports with the Florida Department of Revenue and pay a gross receipts tax.
11. Each STS provider must inform all tenants that the FPSC does not set the rates they pay to the STS provider for local service and that the Commission does not regulate the quality of service provided by the STS provider.
12. The STS provider is responsible for informing the FPSC and local exchange telephone company if and when more than six lines are used on a shared basis.

0250C

Hair, Jacqueline

From: Moore, Byron
Sent: Thursday, September 28, 2000 2:11 PM
To: Rick Moses
Subject: RE: Shared Tenant Service

None to our knowledge, as we explained, Miami-Dade County controls the tenants that have facilities at the Airport and to the best of Williams' knowledge the MIA tenants, authorized by Miami-Dade county, are located at MIA for the safe and efficient transportation of passengers and freight through the airport facility.

If you need any other information, please advise.

Best Regards,
Byron Moore
Senior Manager National Accounts
Williams Communications Solutions, LLC
P.O. Box 998526
Miami, Florida 33299
Phone: (305) 876-8410, Fax: (305) 876-0699
e-mail: byron.moore@wilcom.com

—Original Message—

From: Rick Moses [mailto:RMoses@PSC.STATE.FL.US]
Sent: Tuesday, September 26, 2000 1:51 PM
To: 'Moore, Byron'
Subject: RE: Shared Tenant Service

I appreciate your response. Just one more question. Will Williams be providing telephone service to any entity that is not necessary for the provision of transportation or safety of passengers using the airport?

—Original Message—

From: Moore, Byron [mailto:byron.moore@wilcom.com]
Sent: Tuesday, September 26, 2000 1:41 PM
To: Rick Moses
Subject: RE: Shared Tenant Service

Mr. Moses, in response to your inquiry set forth below, Williams Communications Solutions, LLC operates under and maintains under the auspices of Miami-Dade County PBX's at Miami International Airport, which are connected to the local exchange network through trunks from both BellSouth and MCI/LDDS. The calling scope in question is not an expansion of any kind of the current service which is provided through the MCI/LDDS' local exchange trunks, which provide local service to portions of area code 954, without charge. The calling scope will not be expanded in regard to the North Terminal Development, nor will Williams be providing reduced long-distance charges. Williams does not modify in any manner the local calling scope which is provided by the MCI/LDDS's local exchange trunk. If you need any other information, please advise.

Best regards,
Byron Moore
Senior Manager National Accounts
Williams Communications Solutions, LLC
P.O. Box 998526

BST 6697
PSC

NEX -012213

Miami, Florida 33299
Phone: (305) 876-8410, Fax: (305) 876-0699
e-mail: byron.moore@wilcom.com

—Original Message—

From: Rick Moses [mailto:RMoses@PSC.STATE.FL.US]
Sent: Wednesday, September 13, 2000 1:51 PM
To: 'byron.moore@wilcom.com'
Subject: Shared Tenant Service

It has been brought to my attention that Williams Communications has bid on the Miami Dade County Airport project. From reviewing parts of the proposal, it appears that Williams is going to use the existing PBX that is used for shared tenant services at the airport. Rule 25-24.580, Florida Administrative Code, specifically exempts airports from certification only for the purpose of providing service to ensure the safe and efficient transportation of passengers and freight through the airport facility. However, if the service is expanded, the airport would be required to obtain a shared tenant service certificate.

It appears from the comments under II (2) A/A North Terminal Development that Williams is providing some type of expanded calling scope that will reduce long distance charges. This type of service may require an Interexchange Company certificate, in addition to, the shared tenant certificate.

Without the knowledge of exactly what Williams is proposing to provide it is difficult to determine if certification is necessary. Therefore, please forward a complete description of any local or long distance service Williams is proposing to provide in the RFP. I would appreciate your response by September 26, 2000.

BST 6698
PSC

NEX -012214

DOCKET NO. 910867-TS

REQUEST TO ESTABLISH DOCKET

Date 8/14/91

- 1. Division Name/Staff Name Division of Appeals, Cindy Miller *CM*
- 2. OPR: Cindy Miller, Appeals
- 3. OCR: O'Prv, CMU; Hoppe; Research
- 4. Suggested Docket Title: Amendment of Rule 25-24.580, F.A.C., AIRPORT EXEMPTION

Proposed

- 5. Suggested Docket Mailing List (attach separate sheet if necessary)
 - A. Parties (Provide names of regulated companies; provide names and addresses of nonregulated companies; provide names, addresses, and affiliation (i.e., attorney, company liaison officer, or customer) of individuals)

- B. Interested Persons/Companies (Provide names, complete mailing addresses, and affiliation)

- C. This is a generic proceeding and the Interested Persons mailing list should be expanded to include the industries checked below:

- | | |
|---|--|
| <input type="checkbox"/> Investor-Owned Electrics | <input type="checkbox"/> Water Utilities |
| <input type="checkbox"/> Electric Cooperatives | <input type="checkbox"/> Local Exchange Telephone Cos. |
| <input type="checkbox"/> Municipal Electrics | <input type="checkbox"/> Interexchange Telephone Cos. |
| <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Coin-Operated Telephone Cos. |
| <input type="checkbox"/> Sewer Utilities | <input checked="" type="checkbox"/> Shared Tenant Telephone Cos. |

- 6. Check One:
 - Documentation attached.
 - Documentation will be provided with recommendation.

BST 6699
PSC

DOCUMENT NUMBER-DATE
08282 AUG 15 1991
PSC-RECORDS/REPORTING

MEMORANDUM

August 15, 1991

TO : STEVE TRIBBLE, DIRECTOR
DIVISION OF RECORDS AND REPORTING

FROM : CINDY MILLER, ASSOC. GENERAL COUNSEL *cm*
DIVISION OF APPEALS

RE : REQUEST TO ESTABLISH DOCKET

Attached is a memorandum from the Division of Communications along with a request to establish a docket number regarding Amendment of Rule 25-24.580, F.A.C., Airport Exemption.

Please advise when a number has been assigned.

CBM
Attachments
0213.smj

BST 6700
PSC

MEMORANDUM
July 30, 1991

TO: DIVISION OF APPEALS (MILLER)
FROM: DIVISION OF COMMUNICATIONS (O'PRY) *JOP*
RE: DOCKET NO. 891297-TS - ADOPTION OF RULES 25-24.550 THROUGH 25-24.587,
FLORIDA ADMINISTRATIVE CODE, RELATING TO SHARED TENANT SERVICE (STS)
PROVIDERS

STS rules were codified by Order No. 23979 issued January 10, 1991 in Docket No. 891297-TS. Rule 25-24.580, copy enclosed, is the airport exception. It reads in part "...If airports extend their sharing of local services to facilities such as hotels, shopping malls and industrial parks, the airport will be required to be certificated as a shared tenant service provider. However, the airport could partition the trunks serving those entities and forego STS certification."

Staff believes the last sentence in the above quote can be misinterpreted to authorize airports to provide service to hotels, shopping malls and industrial parks without STS certification if the trunks serving those entities are partitioned. The rule can be corrected to reflect the vote of the commission by adding the following:

"However, the airport could partition the trunks serving those entities and forego STS certification. If sharing of local services to facilities such as hotels, shopping malls and industrial parks are provided through the airport switch, the airport will be required to be certificated as a shared tenant provider as to that shared local service.

The rule should be amended accordingly. Let me know if you have any questions.

cc: Jill Butler
Julia Russo
Stan Greer

BST 6701
PSC

1 25-24,580 Airport Exemption.

2 Airports are exempted from the STS rules due to the necessity
3 to ensure the safe and efficient transportation of passengers and
4 freight through the airport facility. If airports extend their
5 sharing of local services to facilities such as hotels, shopping
6 malls and industrial parks, the airport will be required to be
7 certificated as a shared tenant service provider. However, the
8 airport could partition the trunks serving those entities and
9 forego STS certification.

Specific Authority: 350.127(2), F.S.

11 Law Implemented: 364.337, 364.339, 364.345, F.S.

12 History: New.

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CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendment of)
Rule 25-24.580, FAC, Airport)
Exemption)

Docket No. 910867-TS

Filed: September 5, 1991

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S
NOTICE OF INTENT TO PARTICIPATE

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to Rule 25-22.12, Florida Administrative Code, hereby gives Notice of Intent to Participate in these proceedings, and as grounds therefore states:

1. Southern Bell is a telephone company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Laws of Florida.

2. Southern Bell's principal place of business in Florida is 150 W. Flagler Street, Suite 1910, Miami, Florida 33130.

Pleadings and process in this matter may be served upon:

Harris R. Anthony
Harry M. Lightsey III
c/o Marshall M. Criser III
150 So. Monroe Street, Suite 400
Tallahassee, Florida 32301

3. Any decision made by the Commission in the context of this proceeding will necessarily affect the substantial interests

BST 6703
PSC

Final Exhibit
No. 196

DOCUMENT NUMBER-DATE

08867 SEP -5 1991

F-PSC-RECORDS/REPORTING

of Southern Bell and its business operations in the State of Florida.

WHEREFORE, Southern Bell respectfully requests that the Commission permit the Company to participate in this docket.

Respectfully submitted,

SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY

Harris R. Anthony
HARRIS R. ANTHONY (28)
General Attorney-Florida
c/o Marshall M. Criser III
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 530-5555

Harry M. Lightsey, III
HARRY M. LIGHTSEY, III
General Attorney
c/o Marshall M. Criser III
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 530-5558

CERTIFICATE OF SERVICE
Docket No. 910867-TS

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by United States Mail this *5th* day of *Sept.*, 1991

to:

Staff Counsel
Division of Legal Services
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0863

Cindy Miller
Division of Appeals
Florida Public Svc. Commission
101 East Gaines Street
Tallahassee, FL 32399-0862

Harry M. Lightsey II

add 57

KATZ, KUTTER, HAIGLER, ALDERMAN, DAVIS, MARKS & RUTLEDGE

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

SILVIA MORELL ALDERMAN
DANIEL C. BROWN
MARQUERITE H. "DITTI" DAVIS
MARTIN R. DIX
STEPHEN A. ECENIA
PAUL R. EZATOFF, JR.
WILLIAM M. FURLOW
MITCHELL B. HAIGLER
EDWARD S. JAFFRY
ALLAN J. KATZ
EDWARD L. KUTTER
RICHARD P. LEE
JOHN C. LOVETT
JOHN R. MARKS, III
BRIAN M. NUAGENT
GARY R. RUTLEDGE

POST OFFICE BOX 1877 32302-1877
FIRST FLORIDA BANK BUILDING
SUITE 400, 215 S. MONROE STREET
TALLAHASSEE, FLORIDA 32301

TELEPHONE (904) 224-9834
TELECOPIER (904) 222-0103
TELECOPIER (904) 224-0781

October 11, 1991

GARY P. TIMIN
R. MICHAEL UNDERWOOD
DAVID A. YON
PAUL A. ZEIGLER

SPECIAL CONSULTANTS:
MONICA A. LASSETER *
WILLIAM D. RUBIN *
GERALD C. WESTER *

*NOT MEMBERS OF THE
FLORIDA BAR

OF COUNSEL:
J. LARRY WILLIAMS

**ORIGINAL
FILE COPY**

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
Room 107 Fletcher Building
Tallahassee, Florida 32399-0850

910867-T5

RE: Metropolitan Dade County Florida's, Notice of Intent to Participate

Dear Mr. Tribble:

Enclosed please find the original and twelve (12) copies of Metropolitan Dade County, Florida's Notice of Intent to Participate on behalf of Metropolitan Dade County, Florida.

If additional information is needed, please do not hesitate to contact me.

- ACK
- AFA _____
- APP *12/1/91*
- CAF _____
- CMU _____
- CTR _____
- EAG JRM/lcg
- LEG _____
- LIN Enclosures
- OPC cc: Thomas P. Abbott
- ROH 1
- SEC 1

Sincerely,

John R. Marks, III

RECEIVED & FILED

FPSC BUREAU OF RECORDS

BST 6706
PSC

DOCUMENT NUMBER-DATE

10132 OCT 11 1991

FPSC-RECORDS/REPORTING

Final Exhibit
No. 197

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of)
Rule 25-24.580, FAC, Airport)
Exemption)
_____)

Docket No. 910867-TS

Filed:

METROPOLITAN DADE COUNTY, FLORIDA'S
NOTICE OF INTENT TO PARTICIPATE

Metropolitan Dade County, Florida (hereafter "County") through its undersigned attorneys and pursuant to Rule 25-22.12, Florida Administrative Code, files this Notice of Intent to Participate in the above captioned rulemaking proceeding. In compliance with Rule 25-22.036(7)(a), Florida Administrative Code, the County states the following:

1. The name and address and telephone number of the person who should receive copies of all pleadings, papers, documents and process filed in this docket is:

John R. Marks, III
Katz, Kutter, Haigler, Alderman,
Davis, Marks & Rutledge, P.A.
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
(904) 224-9634
(904) 222-0103 (Telecopier)

2. Metropolitan Dade County through its Aviation Department operates the Miami International Airport. The County owns and operates telecommunication facilities at the Miami International Airport which are subject to or directly affected by Rule 25-24.580, Florida Administrative Code.

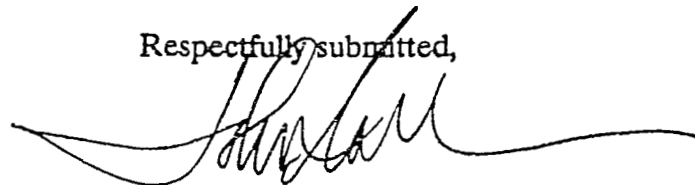
BST 6707
PSC

DOCUMENT NUMBER-DATE
10132 OCT 11 1991
FPSC-RECORDS/REPORTING

3. Any decision made by the Commission related to Rule 25-24.580, Florida Administrative Code will affect the substantial interest of Metropolitan Dade County, Florida and its operations at the Miami International Airport.

WHEREFORE, Metropolitan Dade County, Florida respectfully request the Commission for leave to fully participate in this docket.

Respectfully submitted,



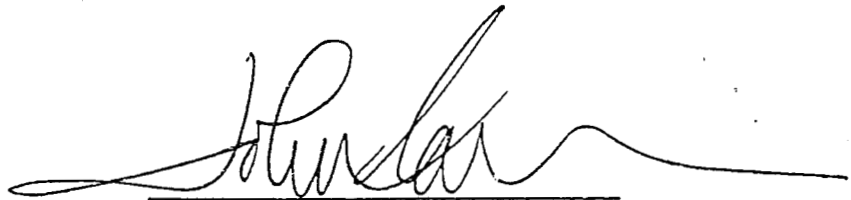
JOHN R. MARKS, III
Katz, Kutter, Haigler, Alderman,
Davis, Marks & Rutledge, P.A.
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
(904) 224-9634
(904) 222-0103 (Telecopier)

ROBERT A. GINSBERG, County Attorney
THOMAS P. ABBOTT, Assistant County Attorney
Metropolitan Dade County Attorney
Aviation Department
Post Office Box 592075 AMF
Miami, Florida 33159
(305) 871-7040

Attorneys for Intervenor Metropolitan Dade County,
Florida

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, Metropolitan Dade County, Florida's Notice of Intent to Participate has been furnished by U.S. Mail to Mr. Harry M. Lightsey, III, Southern Bell Telephone and Telegraph Company, c/o Marshall M. Criser, III, Suite 400, 150 South Monroe Street, Tallahassee, Florida 32301 and Ms. Nanci Adler, Technologies Management, Inc., 163 East Morse Boulevard, Winter Park, Florida 32789, this 11th day of October, 1991.



John R. Marks, III
Katz, Kutter, Haigler, Alderman,
Davis, Marks & Rutledge, P.A.
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
(904) 224-9634

State of Florida

Commissioners:
THOMAS M. BEARD, CHAIRMAN
MICHAEL WILSON
BETTY EASLEY
J. TERRY DEASON
SUSAN F. CLARK



DIVISION OF APPEALS
DAVID E. SMITH,
DIRECTOR
(904) 488-7464

Public Service Commission

November 15, 1991

ORIGINAL
FILE COPY

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: DOCKET NO. 910867-TS, RULE 25-24.580, F.A.C. - AIRPORT
EXEMPTION.

Dear Mr. Webb:


Enclosed are the following materials concerning the above
referenced proposed rule:

- 1. A copy of the rule.
- 2. A copy of the F.A.W. notice.
- 3. A statement of facts and circumstances justifying
the proposed rule.
- 4. A federal comparison statement.
- 5. A statement of the impact of the rule on small business.
- 6. An economic impact statement.

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 CFC _____
 RCH _____
 SEC 1 _____
 WAS _____
 OTH _____

If there are any questions with respect to this rule, please
do not hesitate to call on me.

Sincerely,


 Cynthia B. Miller
 Associate General Counsel

CBM
 Enclosures
 cc: Steve Tribble, Director,
 (Division of Records & Reporting)
 AMD24580.smj

Final Exhibit
No. 198

DOCUMENT NUMBER-DATE
 11379 NOV 15 1991
 FPSC-RECORDS/REPORTING

25-24.580 Airport Exemption.

2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 (Part XII of Chapter 25-24, F.A.C.) due to the necessity to ensure
4 the safe and efficient transportation of passengers and freight
5 through the airport facility. Such exemption shall not extend to
6 local shared service provided by an airport to any other facility
7 such as hotels, shopping malls and industrial parks, unless the
8 service is partitioned. When shared local service is provided
9 through the airport switch to a facility such as hotels, shopping
10 malls and industrial parks the airport shall not be exempt from the
11 STS rules with regard to such services. ~~If airports extend their~~
12 ~~sharing of local services to facilities such as hotels, shopping~~
13 ~~malls and industrial parks, the airport will be required to be~~
14 ~~certificated as a shared tenant service provider. However, the~~
15 ~~airport could partition the trunks serving those entities and~~
16 ~~forego STS certification.~~

17 Specific Authority: 350.127(2), F.S.

18 Law Implemented: 364.337, 364.339, 364.345, F.S.

19 History: New 1/28/91.

20

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

M E M O R A N D U M

November 14, 1991

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: CYNTHIA B. MILLER, ASSOCIATE GENERAL COUNSEL (CVM)
RE : DOCKET NO. 910867-TS, RULE 25-24.580, F.A.C. - AIRPORT
EXEMPTION.

Enclosed are an original and seven copies of a Notice of Rulemaking for publication in the Florida Administrative Weekly. Also included are two copies of a type and strike version of the rule text. The original Notice and the two type and strike copies must be received by the Department of State no later than noon, November 14, 1991.

CBM
cc: Wanda Terrell
Attachments
AMD24580.smj

BST 6712
PSC

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910867-TS

RULE TITLE:

RULE NO.:

AIRPORT EXEMPTION

25-24.580

PURPOSE AND EFFECT: The purpose is to clarify that certification of the airport as an STS will be required if shared local service is provided to certain facilities by the airport.

SUMMARY: The proposed revision provides that certification of the airport as an STS provider will be required if shared local service is provided to certain facilities by the airport.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.337, 364.339, 364.345, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The Economic Impact Statement indicates no costs resulting from this clarification rule.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 A.M., December 20, 1991.

PLACE: Room 106, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-24.580 Airport Exemption.

Airports shall be exempt [are exempted] from the other STS rules (Part XII of Chapter 25-24, F.A.C.) due to the necessity to ensure the safe and efficient transportation of passengers and freight through the airport facility. Such exemption shall not extend to local shared service provided by an airport to any other facility such as hotels, shopping malls and industrial parks, unless the service is partitioned. When shared local service is provided through the airport switch to a facility such as hotels, shopping malls and industrial parks the airport shall not be exempt from the STS rules with regard to such services. [If airports extend their sharing of local services to facilities such as hotels, shopping malls and industrial parks, the airport will be required to be certificated as a shared tenant service provider. However, the airport could partition the trunks serving those entities and forego STS certification.]

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, 364.339, 364.345, F.S.

History: New 1/28/91.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julian O'Pry.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: November 5, 1991.

If any person decides to appeal any decision of the Commission with

respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

RULE 25-24.580, F.A.C.
DOCKET NO. 910867-TS

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

The purpose of this rule revision is to clarify that certification of the airport as an STS provider will be required if shared local service is provided to certain facilities by the airport.

STATEMENT ON FEDERAL STANDARDS

We are not aware of any Federal standards on the treatment of airport facilities regarding shared tenant service.

STATEMENT OF IMPACT ON SMALL BUSINESS

No impact on small business is foreseen from the rule change.

M E M O R A N D U M

October 3, 1991

TO: DIVISION OF APPEALS (MILLER)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (MAHONEY) *P. Mahoney*

SUBJECT: ECONOMIC IMPACT STATEMENT FOR DOCKET NO. 910867-TS, PROPOSED AMENDMENT OF RULE 25-24.580, FAC, AIRPORT EXEMPTION

SUMMARY OF THE RULE

The Florida Public Service Commission presently exercises regulatory authority over shared tenant service (STS) providers. For various reasons, certain entities are exempt from this regulation. Rule 25-24.580 specifically exempts the bona fide telecommunications requirements of airports from compliance with STS rules. However, this exemption does not extend to other facilities sharing a common location with the airport such as hotels, shopping malls, industrial parks, etc. This is specifically stated in Rule 25-24.580 with the caveat that common terminal equipment may be utilized as long as each individual user's trunks are separately partitioned. There is some concern among staff that the rule as presently worded may be interpreted to allow provision of STS by the airport to other facilities without certification. The proposed revision to the rule states that certification of the airport as an STS will be required if shared local service is provided to these facilities by the airport. This is merely a clarification of the intent of the rule.

DIRECT COSTS TO THE AGENCY

No additional direct costs to the agency are anticipated. It is possible that some future expense will be forestalled by clarification of the intent of the rule at this time thus preventing any misinterpretation.

COSTS AND BENEFITS TO THOSE PARTIES DIRECTLY AFFECTED BY THE RULE

No additional direct costs to the affected parties are foreseen. The proposed rule revision clarifies the rule intent and does not impose

additional regulatory requirements on the companies. Of direct benefit to all parties is the very clearly defined position of the airport as to when it would and would not be subject to STS regulation.

IMPACT ON SMALL BUSINESSES

No impact on small business is foreseen. In the event an airport would qualify as a small business, there should be no impact as the meaning and intent of the rule is exactly the same with the revision as prior to the revision.

IMPACT ON COMPETITION

No impact on competition is forecast. As the requirements of the rule are exactly the same after implementation of the revision, the competitive stance (if any) of any involved parties would be the same.

IMPACT ON EMPLOYMENT

No increase or decrease in employment is foreseen. As there is no change in regulatory posture or requirements demanded by the revision, there would be no change required in work hours.

METHODOLOGY

Discussions were held with staff of the Division of Legal Affairs and the Division of Communications. The rule and the revision were reviewed. Standard microeconomic analysis was used to forecast the impact of the revision.

PEM:jdh/e-airexp

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of Rule) DOCKET NO. 910867-TS
25-24.580, F.A.C., Airport Exemption.) ORDER NO. 25390
ISSUED: 11/25/91

NOTICE OF RULEMAKING

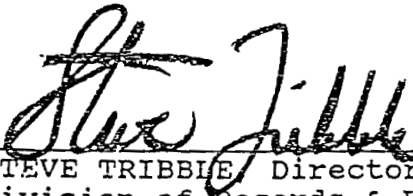
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-24.580, F.A.C., relating to Airport Exemption to Shared Tenant Service rules.

The attached Notice of Rulemaking will appear in the November 22, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., December 20, 1991
Room 106, Fletcher Building
101 East Gaines Street
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than December 13, 1991.

By Direction of the Florida Public Service Commission, this
25th day of NOVEMBER, 1991.


STEVE TRIBBIE Director
Division of Records & Reporting

(S E A L)

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AMD24580.smj

Final Exhibit
No. 199

BST 6719
PSC

DOCUMENT NUMBER-DATE

11711 NOV 25 1991

PSC-RECORDS/REPORTING

1 25-24.580 Airport Exemption.
2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 (Part XII of Chapt. 25-24, F.A.C.) due to the necessity to ensure
4 the safe and efficient transportation of passengers and freight
5 through the airport facility. Such exemption shall not extend to
6 local shared service provided by an airport to any other facility
7 such as hotels, shopping malls and industrial parks, unless the
8 service is partitioned. When shared local service is provided
9 through the airport switch to a facility such as hotels, shopping
10 malls and industrial parks the airport shall not be exempt from the
11 STS rules with regard to such services. ~~If airports extend their~~
12 ~~sharing of local services to facilities such as hotels, shopping~~
13 ~~malls and industrial parks, the airport will be required to be~~
14 ~~certificated as a shared tenant service provider.~~ However, the
15 ~~airport could partition the trunks serving those entities and~~
16 ~~forego STS certification.~~
17 Specific Authority: 350.127(2), F.S.
18 Law Implemented: 364.337, 364.339, 364.345, F.S.
19 History: New 1/28/91.
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CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

Handwritten initials

**ORIGINAL
FILE COPY**

SWIDLER & BERLIN

CHARTERED
3000 K STREET, N.W.
SUITE 300
WASHINGTON, D.C. 20007-3851
(202) 944-4300

JEAN L. KIDDOO
ATTORNEY-AT-LAW

DIRECT DIAL
(202) 944-4834
TELEX: 701131
TELECOPIER: (202) 944-4296

December 12, 1991

VIA FEDERAL EXPRESS

Steve C. Tribble
Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Re: Doctet No. 21866-73

- JK
- AF
- MU
- TR
- AG
- EG
- IN
- JPC
- RCH
- SEC
- WAS
- OTH

Dear Mr. Tribble:

Enclosed herewith is an original and thirteen (13) copies of
The Greater Orlando Aviation Authority's Comments to be filed in
the above referenced docket.

Please date-stamp the extra copy and return it to me in the
enclosed self-addressed, stamped envelope.

Should you have any questions concerning this filing, please
do not hesitate to contact me.

Very truly yours,

Jean L. Kiddoo

Jean L. Kiddoo

Counsel for The Greater Orlando
Aviation Authority

Enclosures

cc: Mr. Hugh Macbeth (GOAA)

BST 6721
PSC

RECEIVED & FILED

TB

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12317 DEC 13 1991

FPSC-RECORDS/REPORTING

Final Exhibit
No. 200

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of
Rule 25-24.580, F.R.C.,
Airport Exemption.

)
)
) Docket No. 910867-TS
)
)

COMMENTS OF THE GREATER ORLANDO AVIATION AUTHORITY

The Greater Orlando Aviation Authority ("GOAA"), by its undersigned counsel, hereby submits its comments on the Notice of Rulemaking issued by the Commission in the above-referenced docket. GOAA, an agency of the City of Orlando, provides shared airport telecommunications services at its Orlando International Airport campus pursuant to the exemption from the shared tenant service ("STS") rules granted by the Commission in Order No. 17111, Docket No. 860455-TL on January 15, 1987 (the "STS Order"), and later codified in Section 25-24.580 of the Commission's Rules. This proceeding, which seeks to modify the terms of that rule, may substantially affect the manner in which GOAA is permitted to offer services at Orlando International. GOAA therefore has a significant interest in this proceeding and submits these comments for the Commission's consideration.

As a preliminary matter, GOAA is unsure why the Commission has proposed the instant changes to the current rules. GOAA is aware of no dispute or other matter which has arisen which would indicate that the existing rule is unclear or otherwise needs amendment. Moreover, GOAA is aware of no proceeding or other investigation which would support a modification of the decision

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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PSC

of the Commission in its STS proceeding with respect to the exemption of airports from the STS rules. Indeed, any rule change which is inconsistent with, or would modify the substance of, that order would be highly inappropriate absent any new evidence or further proceedings.

In its 1987 STS Order, the Commission expressly found that, where the sharing of local telephone service at an airport is "related to the purpose of an airport - the safe and efficient transportation of passengers and freight through the airport campus . . . there is no competition with nor duplication of local exchange service by the LEC." STS Order at 18. As the current rule reflects, the STS Order provided that this exemption would not apply "[t]o the extent an airport [extends local sharing to facilities such as hotels, shopping malls and industrial parks], it must be certificated as an STS provider." Id., see also Rule 25-24.580. Importantly, however, the STS Order further provided that, "[a]s an alternative to becoming certificated as an STS provider, the airport could partition the trunks serving these other entities." Id. (emphasis added).

The proposed rule, without any explanation or evidentiary justification, would create substantial confusion as to the manner in which that critical aspect of the STS Order is to be applied and, indeed, could be read as eliminating the partitioning option altogether. While the proposed language continues to note that the airport STS exemption would be preserved even where service is provided to hotels, shopping

malls and industrial parks if the "service is partitioned," the proposed rule inconsistently goes on to ignore that option when it provides that "[w]hen shared local service is provided through the airport switch to a facility such as hotels, shopping malls and industrial parks the airport shall not be exempt from the STS rules with regard to such service." Proposed Rule 25-24.580 (emphasis added). The revision thereby appears to provide, for example, that any service to a hotel "through the airport switch," whether partitioned or not, would eliminate the airport exemption.

This seemingly inconsistent interpretation could well be unintended by the Commission. Indeed, it is hard for GOAA to believe that the Commission would propose to eliminate such a critical aspect of its airport exemption without further evidentiary proceedings or a factual record of any kind. It is equally unlikely that the Commission would intentionally propose internally inconsistent revisions. Nevertheless, whether intended or inadvertent, this new language should not be adopted. It is totally inconsistent with the Commission's STS Order, which was based on an extensive record and thoroughly briefed and argued by a number of parties. Moreover, the language of the STS exemption as codified in Rule 25-24.580 was extensively scrutinized by many of those same parties when it was adopted to assure that it was consistent with the STS Order. There is simply no need for any change in that language.

Although GOAA does not believe that any changes to the current rule are necessary, should the Commission determine to go forward with such changes it must, at a minimum, clarify the proposal to assure that the partitioning option is consistently stated throughout the revisions. It could do so simply by inserting the words "on an unpartitioned basis" into the second proposed sentence, so that the sentence would read: "When shared local service is provided on an unpartitioned basis through the airport switch to a facility such as hotels, shopping malls and industrial parks the airport shall not be exempt from the STS rules with regard to such services." (New language underscored.)

GOAA respectfully requests that the Commission reconsider the need for any changes to Rule 25-24.580 and that, should it nevertheless determine to go forward with such a change, it modify the final rule in the manner set forth above.

December 12, 1991

Respectfully submitted,



Jean L. Kiddoo

SWIDLER & BERLIN, CHTD.
3000 K Street, N.W.
Washington, D.C. 20007
(202) 944-4834

Counsel for The Greater
Orlando Aviation Authority

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

January 23, 1992

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS [G. PRY, GREER] *GP* *RA*
DIVISION OF APPEALS [MILLER] *cr*

RE : DOCKET NO. 910867-TS - PROPOSED AMENDMENT OF RULE 25-24.580, F.A.C., AIRPORT EXEMPTION

AGENDA: FEBRUARY 4, 1992 - CONTROVERSIAL - PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

CASE BACKGROUND

- ① October 24, 1991 - Staff recommendation to clarify Airport Exemption Rule to remove ambiguity since the rule provides that an airport must be certificated to provide shared tenant services but forego certification if the trunks are partitioned.
- ② November 5, 1991 Agenda Conference - Commissioners vote to propose staff's rewording of Rule 25-24.580 F.A.C.
- ③ November 25, 1991 - Order 25390 issued - Notice of Proposed Rulemaking (Attachment A).
- ④ December 13, 1991 - Greater Orlando Aviation Authority's (GOAA) comments received. No other party filed comments. GOAA's comments did not request hearing but asked for clarification of rule. (Attachment B)

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Final Exhibit
No. 201

DOCUMENT NUMBER-DATE
00854 JAN 23 1992

FPSC-RECORDS/REPORTING

Docket No. 910867-TS
January 23, 1992

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission insert the words suggested by the Greater Orlando Aviation Authority (GOAA) "on an unpartitioned basis" into the second proposed sentence of the rule?

RECOMMENDATION: No. However, the attached proposal (Attachment D) eliminates confusion, and still accomplishes the staff's goal. It should be adopted.

STAFF ANALYSIS:

- ⊙ GOAA does not believe that any changes are necessary and at a minimum requests the Commission clarify the proposal.
- ⊙ GOAA further suggests that the Commission add the wording "on an unpartitioned basis" so that the second sentence would read: "When shared local service is provided on an unpartitioned basis through the airport switch to a facility such as hotels, shopping malls and industrial parks, the airport shall not be exempted from the rules with regard to such services."
- ⊙ Above suggested change maintains the status quo and does not clarify the rule. If wording added, the rule could continue to authorize airports to provide partitioned local shared service, for example, to shopping malls which has several individual stores, without STS certification.
- ⊙ GOAA should be advised in writing that the rewording is for clarification only and in no way changes the interpretation of the Airport Exception in Docket No. 860455-TL since the issuances of Order Nos. 17111 and 17369 and the codification of Rule 25-24.580, F.A.C.
- ⊙ To address GOAA's concerns about the confusing language, yet still accomplish the staff's goal: to make it clear that an airport must get an STS certificate if it provides local service to a non-airport facility (e.g. hotel), regardless of whether it partitions its trunks, the staff has proposed a further revision (Attachment D).

In summary, our interpretation of the STS rules is as follows. An airport may share trunks for airport purposes. This requires no STS certification. An airport may also use one switch to do the following: It may partition trunks into two

Docket No. 910867-TS
January 23, 1992

trunk groups. The first trunk group will serve the airport. This group of trunks does not have to be certificated. The second group of trunks will serve an industrial park or a mall or some other arrangement that would be considered an STS arrangement. If shared local service is provided, this group of trunks must be certificated and must comply with all STS requirements. (If the partitioned trunks are purchased directly by the customer from the LEC, no sharing of trunks occurs and no certification is required. Attachment C is a diagram of the serving arrangements.

The reason we are proposing the language shown in Attachment D is to assure that this important point is clear and is known to the industry. Without this clarification, we fear that the industry (and airports especially) might wrongly interpret the rule to allow them to offer shared services to STS arrangements without certification.

ISSUE 2: Should the Commission proceed with filing the altered rule amendment (Attachment D) with the Department of State and close this docket?

RECOMMENDATION: Yes. This rule revision should be filed with the Department of State to become effective.

STAFF ANALYSIS:

⊙ Since no party has requested a hearing, the proposed rule revision should be filed with the Department of State. The modification responds to the points raised by GOAA.

910867.JOP

ATTACHMENT A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposed Amendment of Rule) DOCKET NO. 910867-TS
25-24.580, F.A.C., Airport Exemption.) ORDER NO. 25390
ISSUED: 11/25/91

NOTICE OF RULEMAKING

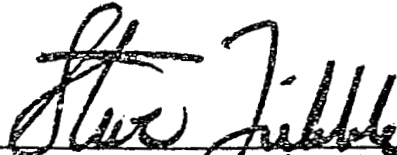
NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-24.580, F.A.C., relating to Airport Exemption to Shared Tenant Service rules.

The attached Notice of Rulemaking will appear in the November 22, 1991 edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., December 20, 1991
Room 106, Fletcher Building
101 East Gaines Street
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32399, no later than December 13, 1991.

By Direction of the Florida Public Service Commission, this
25th day of NOVEMBER, 1991.



STEVE TRIBBLE Director
Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE

11711 NOV 25 1991

1 25-24.580 Airport Exemption.
2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 (Part XII of Chapter 25-24. F.A.C.) due to the necessity to ensure
4 the safe and efficient transportation of passengers and freight
5 through the airport facility. Such exemption shall not extend to
6 local shared service provided by an airport to any other facility
7 such as hotels, shopping malls and industrial parks, unless the
8 service is partitioned. When shared local service is provided
9 through the airport switch to a facility such as hotels, shopping
10 malls and industrial parks the airport shall not be exempt from the
11 STS rules with regard to such services. If airports extend their
12 ~~sharing of local services to facilities such as hotels, shopping~~
13 ~~malls and industrial parks, the airport will be required to be~~
14 ~~certificated as a shared tenant service provider. However, the~~
15 ~~airport could partition the trunks serving these entities and~~
16 ~~forego STS certification.~~
17 Specific Authority: 350.127(2), F.S.
18 Law Implemented: 364.337, 364.339, 364.345, F.S.
19 History: New 1/28/91.
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CODING: Words underlined are additions; words in
~~struck-through~~ type are deletions from existing law.

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendment of
Rule 25-24.580, F.A.C.,
Airport Exemption.

)
)
) Docket No. 910867-TS
)
)

COMMENTS OF THE GREATER ORLANDO AVIATION AUTHORITY

The Greater Orlando Aviation Authority ("GOAA"), by its undersigned counsel, hereby submits its comments on the Notice of Rulemaking issued by the Commission in the above-referenced docket. GOAA, an agency of the City of Orlando, provides shared airport telecommunications services at its Orlando International Airport campus pursuant to the exemption from the shared tenant service ("STS") rules granted by the Commission in Order No. 17111, Docket No. 860455-TL on January 15, 1987 (the "STS Order"), and later codified in Section 25-24.580 of the Commission's Rules. This proceeding, which seeks to modify the terms of that rule, may substantially affect the manner in which GOAA is permitted to offer services at Orlando International. GOAA therefore has a significant interest in this proceeding and submits these comments for the Commission's consideration.

As a preliminary matter, GOAA is unsure why the Commission has proposed the instant changes to the current rules. GOAA is aware of no dispute or other matter which has arisen which would indicate that the existing rule is unclear or otherwise needs amendment. Moreover, GOAA is aware of no proceeding or other investigation which would support a modification of the decision

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of the Commission in its STS proceeding with respect to the exemption of airports from the STS rules. Indeed, any rule change which is inconsistent with, or would modify the substance of, that order would be highly inappropriate absent any new evidence or further proceedings.

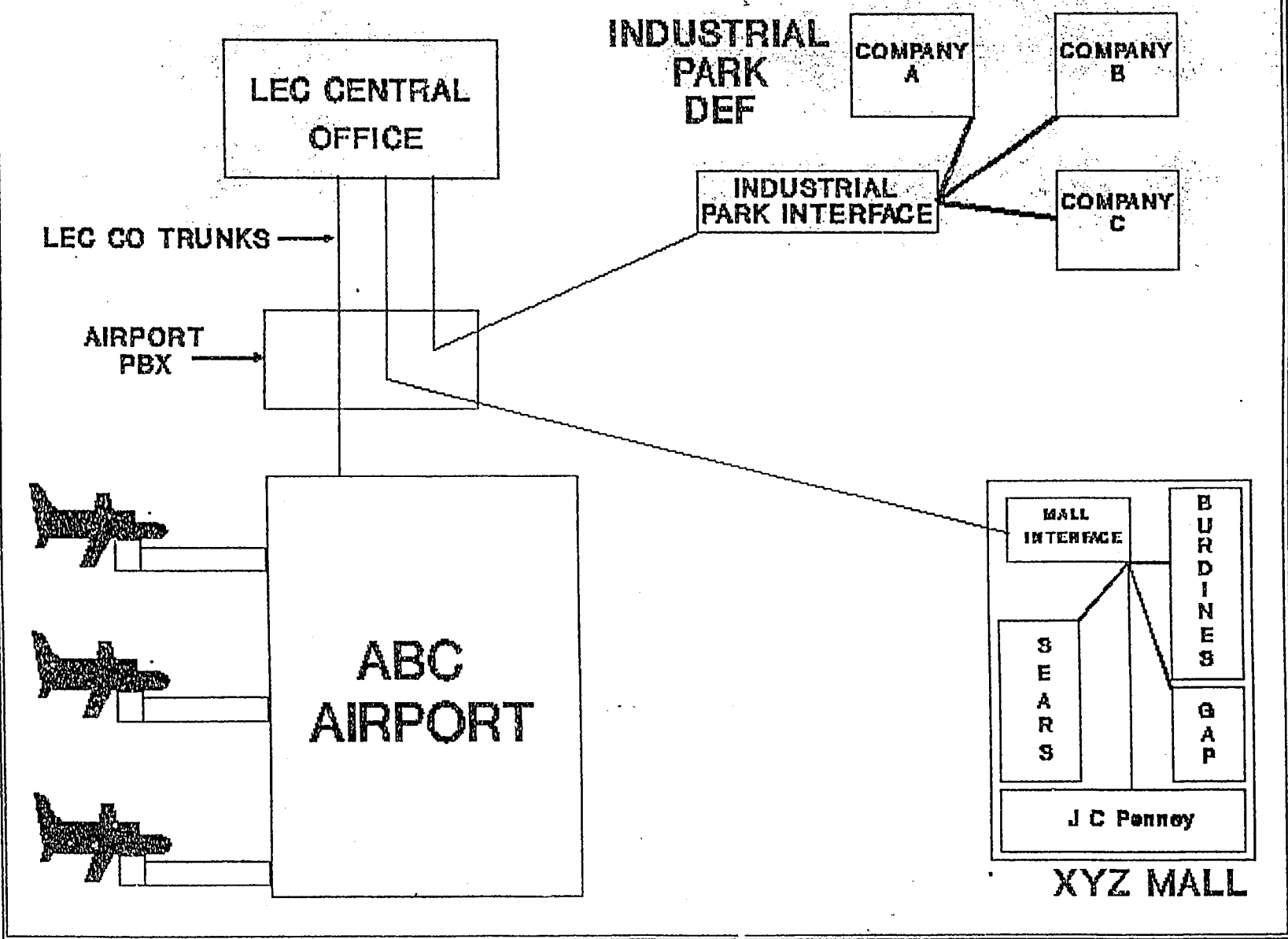
In its 1987 STS Order, the Commission expressly found that, where the sharing of local telephone service at an airport is "related to the purpose of an airport - the safe and efficient transportation of passengers and freight through the airport campus . . . there is no competition with nor duplication of local exchange service by the LEC." STS Order at 18. As the current rule reflects, the STS Order provided that this exemption would not apply "[t]o the extent an airport [extends local sharing to facilities such as hotels, shopping malls and industrial parks], it must be certificated as an STS provider." Id., see also Rule 25-24.580. Importantly, however, the STS Order further provided that, "[als an alternative to becoming certificated as an STS provider, the airport could partition the trunks serving these other entities.]" Id. (emphasis added).

The proposed rule, without any explanation or evidentiary justification, would create substantial confusion as to the manner in which that critical aspect of the STS Order is to be applied and, indeed, could be read as eliminating the partitioning option altogether. While the proposed language continues to note that the airport STS exemption would be preserved even where service is provided to hotels, shopping

malls and industrial parks if the "service is partitioned," the proposed rule inconsistently goes on to ignore that option when it provides that "[w]hen shared local service is provided through the airport switch to a facility such as hotels, shopping malls and industrial parks the airport shall not be exempt from the STS rules with regard to such service." Proposed Rule 25-24.580 (emphasis added). The revision thereby appears to provide, for example, that any service to a hotel "through the airport switch," whether partitioned or not, would eliminate the airport exemption.

This seemingly inconsistent interpretation could well be unintended by the Commission. Indeed, it is hard for GOAA to believe that the Commission would propose to eliminate such a critical aspect of its airport exemption without further evidentiary proceedings or a factual record of any kind. It is equally unlikely that the Commission would intentionally propose internally inconsistent revisions. Nevertheless, whether intended or inadvertent, this new language should not be adopted. It is totally inconsistent with the Commission's STS Order, which was based on an extensive record and thoroughly briefed and argued by a number of parties. Moreover, the language of the STS exemption as codified in Rule 25-24.580 was extensively scrutinized by many of those same parties when it was adopted to assure that it was consistent with the STS Order. There is simply no need for any change in that language.

STS AIRPORT EXEMPTION DIAGRAM



BST 6734
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ATTACHMENT C

1 25-24.580 Airport Exemption

2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 due to the necessity to ensure the safe and efficient
4 transportation of passengers and freight through the airport
5 facility. ~~If airports extend their sharing of local services to~~
6 ~~facilities such as hotels, shopping malls and industrial parks,~~
7 The airport shall obtain ~~will be required to be~~ a certificated as
8 a shared tenant service provider ~~before it provides shared local~~
9 services to facilities such as hotels, shopping malls and
10 industrial parks. However, if the airport partitions its trunks,
11 it shall be exempt from the other STS rules for service provided
12 only to the airport facility ~~the airport could partition the trunks~~
13 ~~serving those entities and forego STS certification.~~

14
15
16
CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DATE: February 4, 1992

RE: DOCKET NO. 910867-TS - Proposed amendment of Rule 25-24.580, F.A.C., Airport Exemption.

Issue 1: Recommendation that the Commission should not insert the words suggested by the Greater Orlando Aviation Authority "on an unpartitioned basis" into the second proposed sentence of the rule. However, the proposal, Attachment D in staff's memorandum dated 1/23/92, eliminates confusion, and still accomplishes the staff's goal. It should be adopted.

APPROVED

Issue 2: Recommendation that the Commission proceed with filing the altere rule amendment with the Department of State and close this docket.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the majority column: Louis L. Squire, J. Jerry Wear, Betty Casley, Susan J. Clark]

REMARKS/DISSENTING COMMENTS:

PSC/PAR33(5/90)

DOCUMENT NUMBER-DATE

01312 FEB -5 1992

FPSC-RECORDS/REPORTING

Final Exhibit
No. 202

BST 6736
PSC

Commissioners:
THOMAS M. BEARD, CHAIRMAN
BETTY EASLEY
J. TERRY DEASON
SUSAN F. CLARK



DIVISION OF APPEALS
DAVID E. SMITH,
DIRECTOR
(904) 488-7464

ORIGINAL
FILE COPY

Public Service Commission

February 12, 1992

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: DOCKET NO. 910867-TS, RULE 25-24.580, F.A.C.

Dear Mr. Webb:

Enclosed is a statement of changes for the amendment of Rule 25-24.580, F.A.C.

The rule does not have a foreseeable impact on small business.

Sincerely,

CINDY MILLER
Associate General Counsel

CM
Enclosure
cc: Steve Tribble, Director,
Div. Records & Reporting
adp24580.cjp

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMC _____
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- EAG _____
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- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
01609 FEB 14 1992

STATEMENT OF CHANGES

The language in the proposal has been modified based on comments filed. The comments expressed some confusion with the proposal. The Commission altered the proposal to make it more readable and understandable, without changing the thrust of the proposal.

The new revised rule adopted by the Commission states:

"The airport shall obtain a certificate as a shared tenant service provider before it provides services to facilities such as hotels, shopping malls and industrial parks. However, if the airport partitions its trunks, it shall be exempt from the other STS rules for service provider only to the airport facility."

The original proposal had attempted to state the same, but did so confusingly. It stated:

"Such exemption shall not extend to local shared service provided by an airport to any other facility such as hotels, shopping malls and industrial parks, unless the service is partitioned."

It continued;

"When shared local service is provided through the airport switch to a facility such as hotels, shopping malls and industrial parks the airport shall not be exempt from the STS rules with regard to such services."

1 25-24.580 Airport Exemption

2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 due to the necessity to ensure the safe and efficient
4 transportation of passengers and freight through the airport
5 facility. ~~If airports extend their sharing of local services to~~
6 ~~facilities such as hotels, shopping malls and industrial parks,~~
7 The airport shall obtain ~~will be required to be~~ a certificated as
8 a shared tenant service provider- before it provides shared local
9 services to facilities such as hotels, shopping malls and
10 industrial parks. However, if the airport partitions its trunks,
11 it shall be exempt from the other STS rules for service provided
12 only to the airport facility ~~the airport could partition the trunks~~
13 ~~serving those entities and forego STS certification.~~

14 Specific Authority: 350.127(2), F.S.

15 Law Implemented: 364.337, 364.339, 364.345, F.S.

16 History: New, 1/28/91, Amended _____.

17
18

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from existing law.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 25-24.580,)
F.A.C., Airport Exemption.)

DOCKET NO. 910867-TS
ORDER NO. 25811
ISSUED: 02/25/92

NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted the amendments to Rule 25-24.580, F.A.C., relating to airport exemption with changes.

The rule amendment was filed with the Department of State on February 20, 1992 and will be effective on March 11, 1992. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
25th day of FEBRUARY, 1992.


STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

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Final Exhibit
No. 204

DOCUMENT NUMBER-DATE
01940 FEB 25 1992
FPSC-RECORDS/REPORTING

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

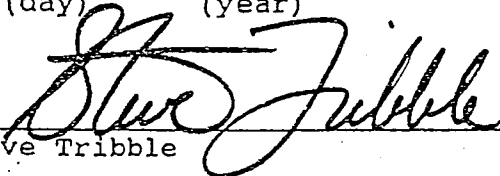
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-24.580	350.127(2)	364.337, 364.339, 364.345

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

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92 FEB 20 AM 11:52
TALLAHASSEE, FLORIDA
STATE

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ORDER NO. 25811
DOCKET NO. 910867-TS
PAGE 4

Rule 25-24.580
Docket No. 910867-TS

SUMMARY OF RULE

The proposed revision provides that certification of the airport as as STS provider will be required if shared local service is provided to certain facilities by the airport.

SUMMARY OF HEARINGS ON THE RULE

A section 120.54 rule hearing was not requested and was not held. However, the Commission modified the rule proposal for adoption at the February 4, 1992, public Agenda Conference.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The purpose of this rule revision is to clarify that certification of the airport as as STS provider will be required if shared local service is provided to certain facilities by the airport.

RECEIVED
92 FEB 20 AM 11:55
TALLAHASSEE FLORIDA

BST 6743
PSC

1 25-24.580 Airport Exemption

2 Airports shall be exempt ~~are exempted~~ from the other STS rules
3 due to the necessity to ensure the safe and efficient
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7 The airport shall obtain ~~will be required to be~~ a certificated as
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11 it shall be exempt from the other STS rules for service provided
12 only to the airport facility ~~the airport could partition the trunks~~
13 ~~serving those entities and forego STS certification.~~

14 Specific Authority: 350.127(2), F.S.

15 Law Implemented: 364.337, 364.339, 364.345, F.S.

16 History: New, 1/28/91, Amended _____.

92 FEB 20 AM 11:53
TALLAHASSEE, FLORIDA

CODING: Words underlined are additions; words in struck-through type are deletions from existing law.

RALPH C. DELL
 STEWART C. EGGERT
 GARY M. WITTERS
 JOSEPH G. HEYCK JR.
 MICHAEL N. BROWN
 MARLANE P. MCCULLOCH
 ROBERT A. MOIRA
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 RICHARD A. HARRISON
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 STEVEN F. THOMPSON

ALEX DELL, FRANK PANKLE

SUITE 1240 THE BARNETT
 101 EAST KENNEDY BLVD
 POST OFFICE BOX 111
 TAMPA, FLORIDA 33601
 (813) 221-1111

COMMERCIAL PHOTO
 FORDY CRANE USA INC
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 AUTOMATIC TELESCOPE

April 3, 1996

Florida Public Service Commission
 Division of Records and Reporting
 2540 Shumard Oak Blvd
 Tallahassee, Florida 32399-0850

06-0446-TS

Re: Hillsborough County Aviation Authority;
 Application For Authority to Provide Shared Tenant Service

Dear Sir or Madam:

On behalf of the above referenced entity, we submit the following items:

1. Application For Authority to Provide Shared Tenant Service; and
2. An application fee of \$100.00

We request that, in addition to issuing a Certificate of Authority to Provide Shared Tenant Service, you furnish us with information regarding your reporting requirements and fees.

Please feel free to call me with any questions.

Very truly yours,

ALEX DELL, FRANK PANKLE



Carlos A. Rodriguez

BST 6941
 PSC

CAR/kmc

SEARCHED
 INDEXED
 SERIALIZED
 FILED
 APR 3 1996
 TAMPA, FL

FLORIDA PUBLIC SERVICE COMMISSION

7100746-75

APPLICATION FOR AUTHORITY TO PROVIDE SHARED OPERATOR SERVICE

Name of Provider: HILLSBOROUGH COUNTY AVIATION AUTHORITY

Address of Provider: * P. O. Box 22289

Tampa (City) FL (State) 33622 (Zip)

Address of Building being served:

Tampa International Airport (Street) Tampa (City) FL (State) 33607 (Zip)

Type of Switching Equipment: NEC 2800 JPB

Number of current local access lines installed: 100

How will you protect the security of the customer's deposits and advance payments? (Please check one)

- a. I will not collect deposits nor will I collect payments for service more than one month in advance.
- b. I will file with the commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month.

Provide proof from the Florida Secretary of State that the applicant has authority to operate in Florida and/or is in compliance with the fictitious name statute.

I, James E. Free, Jr. (Name) Director of Finance and Administration (Title)

attest to the fact that I will comply with the current Commission requirements regarding the provision of shared tenant telephone service and I will abide with all of the Commission requirements. I also understand that I must apply for a separate IXE (Interexchange Carrier) certificate if I resell long distance service to my clients. I further understand that a \$100.00 non-refundable application fee must accompany this application.

[Signature]
(Signature of Owner/Chief Office of Provider)

Telephone No. (813) 870 - 8702 March 11, 1995 (Date)

* Certificate will be sent to this address unless otherwise requested in writing.

FLORIDA PUBLIC SERVICE COMMISSION
APPLICATION FOR AUTHORITY TO PROVIDE AIRPORT SERVICE

Name of Provider: HILLSBOROUGH COUNTY AVIATION AUTHORITY

Address of Provider: P.O. Box 22527

Tampa (City) FL (State) 33622 (Zip)

Address of Building being served:

Tampa International Airport (Street) Tampa (City) FL (State) 33607 (Zip)

Type of Switching Equipment: SEC 240-183

Number of current local access lines installed: 2

How will you protect the security of the customer's deposits and advance payments? (Please check one)

a. I will not collect deposits nor will I collect payments for service more than one month in advance.

b. I will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month.

Provide proof from the Florida Secretary of State that the applicant has authority to operate in Florida and/or is in compliance with the fictitious name statute.

I, James E. Free, Jr. (Name), Secretary (Title), Florida Department of Transportation (Agency)

Hillsborough County Aviation Authority

TAMPA INTERNATIONAL AIRPORT
OPERATIONS & MAINTENANCE FUND

BRANCH
TAMPA INTERNATIONAL AIRPORT
TAMPA, FLORIDA 33607

CHECK NUMBER	DATE
004060	03/13/96

004060

AMOUNT
\$*****100.00

*****100DOLLARS AND NOCENTS

PAY TO THE ORDER OF

FLORIDA PUBLIC SVCE COMMISSION
2540 SHUBARD OAK BLVD.
TAMPA, FL 32399-0667

BST 6943
PSC

HILLSBOROUGH COUNTY AVIATION AUTHORITY

Commissioners:

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

DIVISION OF RECORDS &
REPORTING
BLANCA B. BAYO
DIRECTOR
(904) 413-6770

April 19, 1996

Mr. Carlos A. Rodriguez
Allen, Dell, Frank & Trinkle, P.A.
Post Office Box 2111
Tampa, Florida 33601

Re: Docket No. 960446-TS

Dear Mr. Rodriguez:

This will acknowledge receipt of an application for certificate to provide shared tenant services, by HILLSBOROUGH AVIATION AUTHORITY, which was filed in this office on April 5, 1996 and assigned the above referenced docket number. Appropriate staff members will be advised.

A tentative schedule of events in your docket (referred to as a Case Assignment and Scheduling Record or CASR) should be available upon request, and (10) working days after establishment of the docket. You may contact the Records Section at (904) 413-6770 or by fax at (904) 413-7118 to request that a copy of the case schedule be faxed or mailed to you. The schedule of events provides you with an opportunity to anticipate completion stages of work in the docket. These dates are subject to change; therefore, you may wish to call the Records Section periodically to obtain revised schedules for your docket. For firm dates of hearings or other activities, please look to the Commission's official notices and orders. You can also obtain information on your docket by accessing the PSC Home Page on the Internet, at <http://www.state.fl.us/psc/>.

Secretary

Blanca B. Bayo
Blanca B. Bayo
Commissioner, Dept. of Cit.

BST 6944
PSC