

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 2/18/2009

Docket No.:

090086-75

1. Division Name/Staff Name: Division Of Regulatory Compliance/Curry

2. OPR: Curry, RCP

3. OCR: GCO

4. Suggested Docket Title: Compliance investigation of Roberta L. Marcus, Inc., d/b/a The Marcus Centre for apparent violation of Rule 25-24.565, F.A.C., Certificate of Public Convenience and Necessity Required.

RECEIVED-FPSC
09 FEB 19 AM 9:39
COMMISSION
CLERK

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
- B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

Attn: Paul and Roberta Marcus

Roberta L. Marcus, Inc., d/b/a The Marcus Centre

9990 SW 77th Avenue, Penthouse One

Miami, Florida 33156

2. Interested persons and their representatives (if any):

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

01402 FEB 19 09

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



DIVISION OF REGULATORY COMPLIANCE
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

November 17, 2008

Mr. Paul R. Marcus
Marcus Centre-Penthouse One
9990 SW 77th Avenue
Miami, Florida 33156

CERTIFIED MAIL
7005 1160 0003 8789 9404

Re: Customer Complaint and Provisioning of Shared Tenant Services

Dear Mr. Marcus:

The Florida Public Service Commission (Commission) recently received the enclosed customer complaint against the Marcus Centre regarding improper billing. According to the complainant, Marcus Centre has improperly billed for a second phone line and for directory assistance. After you have reviewed the complaint, please investigate, contact the complainant, and submit a written response. Your response should verify that the complainant was contacted and that the complaint has been resolved. You may fax your response to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us. Please submit your response no later than **December 3, 2008**.

In addition, it appears that the Marcus Centre may be providing shared tenant services (STS) without authorization from the Commission. Rule 25-24.565(1), F.A.C, Certificate of Public Convenience and Necessity Required, states in part:

No person shall provide shared tenant service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services collected, until the effective date of the certificate, if granted.

I have attached a copy of the Commission's STS rules for your convenience. To obtain a STS application, go to www.psc.state.fl.us. After you have completed the application, please submit it along with the application fee to the following address:

Florida Public Service Commission
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Mr. Paul R. Marcus

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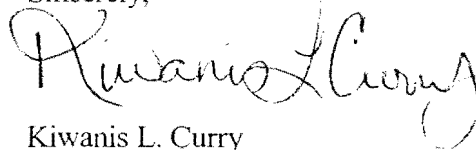
November 17, 2008

If you believe that Marcus Centre is not required to obtain a STS certificate, please explain why you believe the company should not. Also, please understand that if the Marcus Centre fails to respond to staff regarding this matter, your company may be subject to penalties as prescribed by Section 364.285, Florida Statutes, which states:

The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate used by it. Each day that such refusal or violation continues constitutes a separate offense.

Therefore, to avoid potential penalties please submit all of the requested information no later than **November 26, 2008**.

Sincerely,

A handwritten signature in cursive script that reads "Kiwanis L. Curry".

Kiwanis L. Curry
Division of Regulatory Compliance

Enclosures (2)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Paul R. Marcus
Marcus Centre-Penthouse One
9990 SW 77th Avenue
Miami, Florida 33156

2. Article Number

(Transfer from service _____)

7005 1160 0003 8789 9404

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *S. Moore* Agent
 Addressee

B. Received by (Printed Name)

S. Moore

C. Date of Delivery

11-20

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

2008 NOV 24 10:22

REGUL MAIL PERMIT NO. 1000 TALLAHASSEE, FL

PSC / RCP
Att: K. Curry
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

LAW OFFICES
PAUL R. MARCUS
MARCUS CENTRE - PENTHOUSE ONE
9990 S.W. 77TH AVENUE
MIAMI, FLORIDA 33156-2661

PAUL R. MARCUS

Certified Family Mediator

TELEPHONE
(305) 596-2345

FAX
(305) 274-0220

E-MAIL
Paul@marcuscentre.com

November 25, 2008

Via Fax 850-413-6663
Florida Public Service Commission
Division of Regulatory Compliance
Office of Commission Clerk
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Attention: Kiwanis L. Curry

Re: Customer Complaint and Provisioning of Shared Tenant Services

Dear Ms. Curry:

I am in receipt of yours of November 17th. I am enclosing a copy of a letter I wrote to Walter Harris Photography and Video, Inc. of even date which I trust answers both their questions and yours.

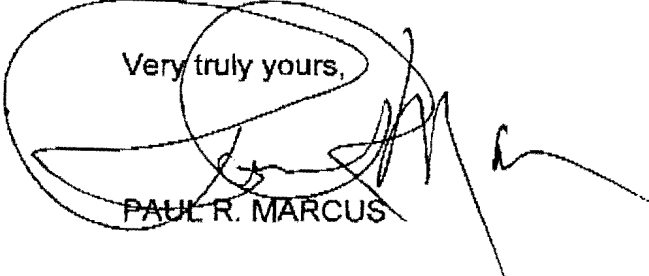
The 2nd floor of the Marcus Centre is an Executive Suites floor. Every tenant pays a receptionist charge, whether they use the receptionist or not to answer phones and greet the tenants' customers. Every tenant must have one telephone line and one telephone instrument so that they can communicate with the receptionist and receive calls. When the company purchased the building back in 1990, the Executive Suites floor was serviced with an antiquated ITT PBX system. As the years went by, parts for the system became increasingly difficult to obtain. One day, a representative of U.S. Lec, together with an NEC salesman came by the building to solicit the company to purchase BellSouth lines through U.S. Lec and a new PBX switching system and phones from NEC. The company spent tens of thousands of dollars on the conversion. In addition to the aforementioned, we also purchased a 300 lbs. UPS back-up such that the phones should continue to work for hours, even in a power outage. We also had installed a special surge prevention device from FP&L in furtherance of having uninterrupted telephone usage.

It is necessary for the tenants who have their telephones answered by our receptionists to have their numbers flow through our system and use NEC telephones. There are several tenants in the building who get their phones through AT&T and are not tied to our system.

Florida Public Service Commission
November 25, 2008
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I believe that the system we now have at the Marcus Centre is nothing more than the PBX we had before, except that the tenants have the convenience of having one bill for rent, receptionist and telephone. As you can see from your files, you have had no complaints from any other tenants, other than Walter Harris Photography and Video, Inc.

If the PSC believes that a certificate is required, please provide me with the requisite application form and we will apply for the certificate at this time. If there is any other information that you require, please advise.

Very truly yours,

PAUL R. MARCUS

PRM/pa
Enc.

Kiwanis Curry

From: Kiwanis Curry
Sent: Monday, December 08, 2008 1:53 PM
To: 'paul@marcuscentre.com'
Subject: RE: Shared Tenant Services

Mr. Marcus,

Thank you for promptly responding to the customer complaint. I appreciate your cooperation in resolving this matter. I have reviewed your response and as of today the customer complaint is now closed. If you have any questions, please feel free to contact me.

Thanks

Kiwanis

From: Kiwanis Curry
Sent: Wednesday, December 03, 2008 8:40 AM
To: 'paul@marcuscentre.com'
Subject: Shared Tenant Services

Mr. Marcus,

As I explained to you during our telephone conversation yesterday your company will need to obtain a Shared Tenant Services (STS) certificate from the Commission. You may obtain the application at the following link: <http://www.psc.state.fl.us/utilities/telecomm/application/sts/stsapplic.pdf> . After you have completed the application please submit it along with the application fee to the address listed on the application. Please submit your application by **December 17, 2008**. Also, please submit your response to the customer's complaint to me by **December 10, 2008**.

Thank you for your cooperation in this matter. If you have any question please feel free to contact me.

Thanks

Ms. Kiwanis L. Curry
Regulatory Analyst
Florida Public Service Commission
Division of Regulatory Compliance
Certification & Enforcement Section

Phone (850) 413-6662
Fax (850) 413-6663
Email: kcurry@psc.state.fl.us

12/11/2008
