

2. All notices, pleadings, and other documents directed to Leon County Educational Facilities Authority and Professional Food Service Management, Inc., d/b/a Southgate Campus Centre, should be served on:

EDWIN R. HUDSON
Henry, Buchanan, Mick,
Hudson & Suber, P.A.
Post Office Drawer 1049
Tallahassee, Florida 32302

3. The petitioners' (also collectively referred to as "Southgate") substantial interests are affected by the proposed order dated June 8, 1994, in this proceeding. As provided in this order, Southgate files this petition for formal proceedings and clarification of the order as a person whose substantial interests are affected by the action proposed.

4. Notice of the Commission's proposed action and the order entered in this matter was provided to Southgate by Centel/Sprint in a letter dated June 22, 1994, and received by Southgate on June 24, 1994.

Background

5. Central Telephone Company of Florida (Centel) has advised Southgate of its intent to discontinue Centrex service currently provided under contract to Southgate. Centel has stated that the discontinuance of this service is required by the order entered in this matter on June 8, 1994. Southgate's interests are based both upon the necessity of the service provided for Southgate's continued operation and a pecuniary interest in the maintenance of such service.

6. Southgate is a dormitory classified by the State of Florida, Department of Business and Professional Regulation, as transient. Southgate rents rooms during the school year exclusively to students of Florida A&M University, Florida State University, and Tallahassee Community College, normally on a one or two semester basis. Additionally, rooms are rented for much shorter periods during the summer to people involved in university or college related activities or programs and other sponsored short term programs. The provision of readily available telephone service to customers of this nature is essential to the successful operation of Southgate. Southgate has a pecuniary interest in the provision of this service, both from the standpoint of such services being essential to being able to rent rooms and based on funds realized from the provision of certain telephone services.

7. This petition is being filed because, even though the petitioners are not parties to this docket, the order apparently requires Centel to terminate Centrex service to petitioners and other unknown parties.

8. Because the petitioners were not parties to the aforementioned docket and order, they are unable to state whether there are disputed issues of material fact. The petitioners however do present different and distinct material facts than those presented in the situation addressed by the Commission.

9. The facts and situation involving Royal Oaks in the Public Service Commission ruling of June 8, 1994, in Docket No. 940139-TL is clearly distinguishable from the facts and situation relating to Southgate.

(a) Unlike Royal Oaks, Southgate is unquestionably a dormitory which requires that tenants be students of a local college or university.

(b) Unlike Royal Oaks, leases are normally limited to one or two terms. Even in the case of a two-term lease, the period covered is less than nine months.

(c) Unlike Royal Oaks, rooms are rented for periods as short as a few days or a week for university, college or other sponsored programs.

(d) Unlike Royal Oaks, Southgate's business classification is transient.

(e) Unlike Royal Oaks, Southgate provides related dormitory services, e.g., food service, housekeeping, security.

(f) Unlike Royal Oaks, all rooms are furnished and are typically occupied by two students.

(g) Unlike Royal Oaks, Southgate, as a dormitory, provides only a room with bathroom to the tenant. Southgate's rooms do not include kitchens, separate living rooms, etc.

(h) Southgate is typically not the tenant's sole residence.

(i) There are numerous other distinctions between Royal Oaks and Southgate.

Because of these distinctions, not only are these tenants transient, it is essential that services continue to be provided by Centrex, it is essential in order that telephone services be provided and therefore, this continued service is in the public interest.

10. The petitioners would dispute the legal conclusions, particularly as such applies to the petitioners' situation, and the legal interpretation of the term "transient."

11. The petitioners contend that Southgate should not be precluded from continuation of its current telephone arrangements by the Commission's order entered in this matter.

12. The statutes and rules entitling the applicant for relief include, but are not limited to, the following:

Chapter 120, Florida Statutes

Chapter 364, Florida Statutes

Chapter 509, Florida Statutes

Rules 25-22.025, et seq., Florida Administrative Code

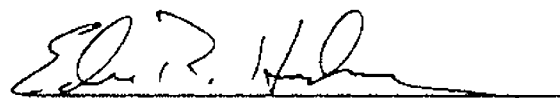
Chapter 25-24, Florida Administrative Code

Conclusion and Request for Relief

13. The petitioners respectfully request that the Commission enter an order approving the petitioners' current arrangement for providing telephone services, or enter an order or ruling clarifying the order previously entered in this docket and determine that the petitioners are not covered by the previous order and that telephone service may continue to be provided in the same manner as it is currently being provided. The petitioners further request that the Commission make whatever ruling or take whatever action is necessary to allow the petitioners to continue to receive and provide telephone services in the manner in which such services are currently being received and provided.

DATED this 29th day of June 1994.

Respectfully submitted,
HENRY, BUCHANAN, MICK
HUDSON & SUBER, P.A.




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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand-delivery to TRACY HATCH, Public Service Commission, and JOHN JEFFRY WAHLEN, Ausley Law Firm, this 29th day of June 1994.


EDWIN R. HUDSON