

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CENTRES COMMUNICATIONS GROUP, INC. for a certificate of public convenience and necessity to provide shared tenant services.)	DOCKET NO. 881346-TS
)	
)	
)	
)	
)	

In re: Request of SHARENET, INC. to change the name on CENTRES COMMUNICATIONS GROUP, INC. IXC and STS certificates to SHARENET, INC.)	DOCKET NO. 890829-TP
)	
)	
)	

In re: Application of SHARENET, INC. for authority to provide shared tenant services to TAMPA PALMS at 15310 Amberly Drive in Tampa, Sarasota City Center at 1859 Main Street in Sarasota, and Sand Lake at 4830 Sand Lake Road in Orlando.)	DOCKET NO. 891173-TS
)	ORDER NO. 23519
)	ISSUED: 9-19-90
)	

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

FINAL ORDER REQUIRING SUBMISSION OF NEW INTEREXCHANGE CARRIER CERTIFICATE APPLICATION AND LEVYING FINE

BY THE COMMISSION:

Centres Communications Group, Inc. (CENTRES) was granted the authority to provide shared tenant services (STS) by Certificates Nos. 2184, 2185 and 2222 and the authority to provide interexchange carrier (IXC) services by Certificate No. 2183 by Order No. 20224, effective November 17, 1988.

Because of the disregard of this Company for and its apparent inability to comply with this Commission's Rules and Orders, specifically Rule 25-24.470, Certificate of Public Convenience and Necessity Required, Rule 25-4.0161, Regulatory

ORDER NO. 23519
DOCKETS NOS. 881346-TS, 890829-TP & 891173-TS
PAGE 2

Assessment Fees, and Rule 25-24.472, Improper Use of a Certificate, we issued Order No. 22798 on April 11, 1990, requiring Sharenet, Inc., to show cause in writing why it should not be fined \$3,400.00 and why IXC Certificate No. 2183 and STS Certificates Nos. 2184, 2185 and 2222 currently issued to Centres Communications Group, Inc., should not be cancelled. In addition, we also issued proposed agency action Order No. 22808 on April 12, 1990, proposing to deny Sharenet, Inc.'s belated request to approve the change in corporate name from Centres Communications Group, Inc., to Sharenet, Inc. Order No. 22808 also included final agency action levying a \$500 fine that had been proposed in Order No. 21070 and deferring consideration of three new STS applications filed by Sharenet, Inc. The proposed agency action portion of Order No. 22808 became final as of May 4, 1990, as reflected in Consummating Order No. 22910, issued May 8, 1990, since no timely protest was received.

In a separate docket, Docket No. 900271-TI, we issued Order No. 22894, on May 7, 1990, requiring Centres Communications Group, Inc., to show cause why its IXC Certificate should not be cancelled for its failure to timely file its 1989 Annual Report and, in lieu of a written response to that show cause, was offered the option of paying one-half of the proposed fine amount of \$4,000 within 30 days of the issuance of Order No. 22894. Centres Communications Group, Inc., did not respond to that Order in any fashion whatsoever. Therefore, IXC Certificate No. 2183 was administratively cancelled pursuant to the terms of our Order No. 22894.

Since Order No. 22894, issued May 7, 1990, has already cancelled IXC Certificate No. 2183, that portion of Order No. 22798 is moot. No response of any kind was received from the Company to Order No. 22798. Our Staff did receive a faxed copy of a letter dated May 23, 1990, which apparently intended to request reconsideration of Order No. 22910, issued May 5, 1990. Order No. 22910 is a Consummating Order reflecting that proposed agency action Order No. 22808 had become effective May 3, 1990, because no timely protests had been received. Rule 25-22.060, Florida Administrative Code, states that a request for reconsideration will not be entertained for a proposed agency action order.

For these reasons, it would be appropriate for this Commission to execute the balance of the actions we proposed in

ORDER NO. 23519
DOCKETS NOS. 881346-TS, 890829-TP & 891173-TS
PAGE 3

Order No. 22798, specifically the cancellation of the Company's STS Certificates Nos. 2184, 2185 and 2222 and the levy of the fine of \$3,400. However, at our August 21, 1990, Agenda Conference, the Company represented that it intends to comply in all respects with this Commission's rules and regulations from this point forward. It has begun to effectuate this goal by employing new counsel and it intends to utilize other consultants to assure that it does not fail to perform the regulatory duties required of IXC and STS telephone companies by this Commission. The Company expressed its regret that this situation has developed and requested that its STS certificates not be cancelled and that it be allowed to file a new IXC application. We find it appropriate to place Sharenet, Inc., on a period of eighteen months probation during which time the Company may demonstrate its level of commitment to its expressed goal of compliance with this Commission's rules and regulations. If the Company does not show that it is capable of such compliance throughout this probation period, we will revisit this matter and take appropriate action.

We also find it appropriate to fine the Company \$10,000 in satisfaction of the \$500 fine levied by Order No. 22808, the \$3,400 fine amount proposed in our show cause Order No. 22798, as well as the \$4,000.00 fine proposed in our show cause Order No. 22894 for failure to timely file its 1989 Annual Report. The balance of the \$10,000 fine is for the Company's current operation without an IXC certificate. The Company shall file a completely acceptable IXC certificate application within 15 days of our August 21, 1990, decision, or by September 5, 1990. The Company shall remit the \$10,000 fine within 30 days of the date of our decision, or by September 20, 1990.

This docket shall remain open until the \$10,000 fine is received. The Company's new IXC certificate application shall be handled in a new docket.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Sharenet, Inc., shall submit an application for an interexchange carrier certificate by September 5, 1990. It is further

ORDERED that Sharenet, Inc., is hereby fined \$10,000 in satisfaction of its obligations as set forth in the body of this Order. It is further

ORDER NO. 23519
DOCKETS NOS. 881346-TS, 890829-TP & 891173-TS
PAGE 4

ORDERED that Sharenet, Inc., is hereby placed on 18 months probation during which time it shall demonstrate that it is capable of full compliance with this Commission's rules and regulations. It is further

ORDERED that this docket shall remain open until the \$10,000 fine is received.

By ORDER of the Florida Public Service Commission
this 19th day of SEPTEMBER, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

(SFS)

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and

ORDER NO. 23519
DOCKETS NOS. 881346-TS, 890829-TP & 891173-TS
PAGE 5

filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.