

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: APPLICATION OF FNBC EXECUTIVE ) DOCKET NO. 890805-TS  
 SUITES FOR A CERTIFICATE OF PUBLIC CON- ) ORDER NO. 21765  
 VENIENCE AND NECESSITY TO PROVIDE SHARED) ISSUED: 8-21-89  
 TENANT SERVICE IN FLORIDA )  
 )

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN  
 THOMAS M. BEARD  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE PROPOSED AGENCY ACTIONORDER GRANTING CERTIFICATE

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

By Order No. 17111 this Commission made the finding that a limited version of Shared Tenant Services (STS), as defined in Section 364.339, Florida Statutes, is in the public interest. Section 364.339 gave the Commission authority to certificate providers of STS notwithstanding the fact that Section 364.335, Florida Statutes, prohibits services that duplicate or compete with available local exchange service provided by the local exchange telephone company (LEC). STS is defined as telephone service which is furnished through a common switching or billing arrangement to commercial tenants within a single building by an entity other than an existing LEC.

Although the Commission has not yet adopted rules regarding STS, STS key system providers are subject to all

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applicable requirements of Order No. 17111 including the following:

1. Each STS provider must advise all customers of its current rates for resold local exchange service and its quality of service standards.
2. Each STS provider must inform each customer, in advance of an agreement to provide service, that the Florida Public Service Commission will not set rates or regulate the service quality standards.
3. Each STS provider must assure that the LEC may gain access to any tenant requesting direct service.
4. Each STS provider shall offer unrestricted access to all locally available Interexchange Carriers (IXCs).
5. Each STS provider shall assure each customer access to the LEC operators (by dialing "zero") for emergencies and for LEC toll service.
6. Each STS provider shall assure each customer access to 911 service where it is available.
7. Each STS provider's certificate provides authority for shared tenant service in one building, and only for commercial tenants within that building.
8. Each STS provider is prohibited from establishing dedicated facilities (private line) to an interexchange carrier's point of presence.
9. Each STS provider is prohibited from provision of shared Wide Area Telephone Service (WATS) unless the STS provider has been granted, in addition to its STS certificate, authority for such service.
10. Each STS provider is prohibited from constructing private bypass facilities, e.g., microwave towers, for interconnecting other STS locations.

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11. Each STS provider is prohibited from allowing intercommunication between unaffiliated commercial entities.
12. Each STS provider shall be required to satisfy statutory obligations concerning applicable gross receipts taxes and regulatory assessment fees.
13. Each STS provider shall maintain adequate records to allow this Commission to determine, through audit procedures, that applicable assessment fees and gross receipts taxes have been paid.
14. Each STS provider shall file tariff revisions no later than (30) days before the date the revision will become effective.
15. Each STS provider is prohibited from sharing or pooling more than 250 trunks per PBX.

On June 20, 1989, FNBC Executive Suites filed an application for a certificate to provide STS through a key system, at the following location:

2875 South Ocean Boulevard  
Palm Beach, Florida 33480

The application contained the required information and the proposed tariffs. Having considered the application, the Company appears to be capable of providing STS services at the above location. Therefore, we find that it is in the public interest to grant a certificate to the Company.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the application of FNBC Executive Suites for a certificate to provide shared tenant services at the location set forth in the body of this Order is granted. It is further

ORDERED that the effective date of the certificates is September 12, 1989, if there is no protest to the proposed agency action within the time frame set forth below.

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By ORDER of the Florida Public Service Commission,  
this 21st day of AUGUST, 1989.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JSR

by: Kay Flynn  
Chief, Bureau of Records

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 11, 1989. In the absence of such a petition, this order shall become effective September 12, 1989, as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on September 12, 1989, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by 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 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 of the effective date 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.