

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide interexchange telecommunications services by OCEAN REEF CLUB, INC.) DOCKET NO. 910073-TI) ORDER NO. PSC-92-1444-AS-TI) ISSUED: 12/14/92))

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER ACCEPTING SETTLEMENT PROPOSAL
AND CLOSING DOCKET

BY THE COMMISSION:

By Order No. 25445, issued December 9, 1991, this Commission granted Ocean Reef Club, Inc.'s (Ocean Reef or the Company) application for a certificate to provide interexchange telecommunications service. Due to information regarding Ocean Reef's operations gathered during the application process, Order No. 25447, was also issued on December 9, 1991 (the Order). In that Order this Commission directed Ocean Reef to show cause why it should not be found in violation of Rules 25-24.470 and 25-4.004, Florida Administrative Code, why it should not limit its resale of local telephone service to transient guests and to private units in Ocean Reef's rental program, and why it should not be fined for each violation alleged. On December 30, 1991, Ocean Reef filed a response to the Order, and a request for a formal hearing.

On May 19, 1992, Ocean Reef submitted a settlement offer in this matter. The provisions of the settlement offer were as follows: (1) Ocean Reef agreed to terminate its service to all commercial customers and all "transient" residential customers who are not in a rental program; (2) Ocean Reef would terminate service to all transient residential customers who are not in its rental program if in a later rule proceeding, the Commission determined that a destination resort may provide telephone service only to transient residential customers who are in the resort's own rental program; (3) executives of Ocean Reef living at the resort would be provided Ocean Reef telephones only as a condition of employment and the resort would not charge for that intra-resort service; and,

DOCUMENT NO. FEB-DATE

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ORDER NO. PSC-92-1444-AS-TI
DOCKET NO. 910073-TI
PAGE 2

(4) because of the actions taken to address the show cause order, no fine or other sanction would be imposed on Ocean Reef.

In response to concerns raised by our Staff, Ocean Reef supplemented its proposal by letter dated October 7, 1992. In the letter Ocean Reef stated that, (1) the Company had notified by mail all commercial customers and all "transient" residential customers who are not in Ocean Reef's rental program that telephone service would be discontinued effective September 30, 1992, and (2) the President of the Ocean Reef Club is the only employee resident who receives telephone service from Ocean Reef. To fulfill his administrative duties, he is provided Ocean Reef service to his private residence for intra-resort use, in addition to the Southern Bell local service he receives.

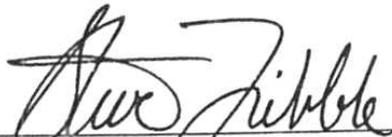
We have reviewed Ocean Reef's proposal as supplemented and find it to be a reasonable and appropriate resolution to this docket. We believe that Ocean Reef has adequately addressed the issues raised in the Order, and that the Company is now in compliance with existing Commission rules and policies. Accordingly, we shall accept Ocean Reef's settlement offer and shall close this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ocean Reef Club, Inc.'s proposed settlement offer as set forth herein is hereby accepted as a resolution of the issues in this docket. It is further

ORDERED that this docket shall be closed.

By Order of the Florida Public Service Commission this 14th day of December, 1992.



STEVE TRIBBIE, Director
Division of Records and Reporting

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ORDER NO. PSC-92-1444-AS-TI
DOCKET NO. 910073-TI
PAGE 3

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 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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.