

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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

In re: Application of SHARENET, INC.) DOCKET NO. 891173-TS
 for authority to provide shared tenant)
 services to TAMPA PALMS at 15310 Amberly) ORDER NO. 22808
 Drive in Tampa, Sarasota City Center at)
 1859 Main Street in Sarasota, and SAND) ISSUED: 4-12-90
 LAKE at 4380 Sand Lake Road in Orlando.)

The following Commissioners participated in the
 disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

FINAL ORDER LEVYING FINE AND
DEFERRING CONSIDERATION OF NEW STS APPLICATIONS AND

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING REQUEST FOR NAME CHANGE AND
REQUIRING PAYMENT OF REGULATORY ASSESSMENT FEES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
 Commission that the action discussed herein in Sections III and

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FPSC-RECORDS/REPORTING

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VI of this Order, denying Sharenet Inc.'s request for a name change and requiring payment of regulatory assessment fees, is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code. The actions discussed in Sections II and IV of this Order, levying a fine and deferring consideration of new STS applications, are final agency action.

I. Background

On June 16, 1988, Centres Communications Group, Inc., (Centres) filed an application for authority to operate as an interexchange telephone company (IXC) within the State of Florida and a provider of shared tenant services (STS) at 3001 Executive Drive, Clearwater, Florida, and 550 Reo Street, Tampa, Florida. By Order No. 20224, effective November 17, 1988, Centres was granted STS Certificates Nos. 2184 and 2185 and IXC Certificate No. 2183. On October 14, 1988, an additional STS certificate application was submitted by Centres for authority to provide STS service at 100 South Ashley Street in Tampa, Florida. By Order No. 20563, effective January 31, 1989, Centres was granted STS Certificate No. 2222 to provide STS services at 100 South Ashley Drive.

II. Docket No. 881346-TS

Docket No. 881346-TS was initiated when, on September 6, 1988, Centres filed an application for authority to provide STS to the Ashley Tower complex located at 100 South Ashley Drive, Tampa, Florida. By Order No. 20563, effective January 31, 1989, we authorized Centres to provide STS at 100 South Ashley Drive, Tampa, Florida. However, in Order No. 20563, we expressed our concern over Centres' previous operation at that address without a certificate. Therefore, by Order No. 21070, issued April 19, 1989, we ordered Centres to show cause in writing why it should not be fined \$500 for violation of Order No. 17111.

We received a letter from Sharenet, Inc., dated May 2, 1989, which apparently was intended to be a response to that show cause Order. In its response, Sharenet, Inc., stated that it had changed its corporate name from Centres Communications Group, Inc., to Sharenet, Inc., effective January 1, 1989. Sharenet, Inc., asserted in its letter that it is the same

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corporate entity as Centres Communications Group, Inc. Sharenet, Inc., also asserted that it did not provide "local service" at the 100 South Ashley Drive location when it acquired, as Centres Communications Group, Inc., the rights and obligations to provide such service from Shared Network Technologies, Inc., on October 1, 1988. Sharenet, Inc., also stated in its letter that it had yet to provide "local service" as of the May 2, 1989, date. Sharenet, Inc., stated that it believed it had the authority to provide long distance service at the 100 South Ashley Drive location pursuant to "its" IXC certificate, presumably, the IXC certificate issued to Centres.

Shared Network Technologies, Inc., was originally issued IXC Certificate No. 554 on January 14, 1986, and operated under that Certificate until it was cancelled, at its request, effective November 6, 1989, in Docket No. 890577-TI. However, Shared Network Technologies, Inc., did not possess a certificate to provide STS service at the 100 South Ashley Drive, Tampa, location when it entered into an agreement with Centres to assign all of its rights and obligations to provide that service effective October 1, 1988. Not only did Shared Network Technologies, Inc., not possess such a certificate, but neither that Company nor Centres requested the approval of this Commission for the transfer of that STS operation to Centres. Although Centres did file an application for a certificate to provide STS at the 100 South Ashley, Tampa, location on September 6, 1988, it did not wait for such authority prior to commencing its STS operation on October 1, 1988. The first STS application for 100 South Ashley Drive filed on September 6, 1988, by Centres was rejected as inadequate. On October 14, 1988, an acceptable application was filed. Because we do not find Sharenet, Inc.'s response to our show cause Order No. 21070 to be reasonable and sufficient, we find it appropriate to fine Sharenet, Inc., the \$500 amount proposed in Order No. 21070.

III. Docket No. 890829-TP

Docket No. 890829-TP was initiated when Sharenet, Inc., filed an application, on June 27, 1989, for approval to change the name on the IXC and STS certificates held by Centres to Sharenet, Inc. By letter dated October 14, 1988, from Shared Network Technologies, Inc., we learned that Centres and Shared Network Technologies, Inc., had entered into an agreement that was effective October 1, 1988, to assign all of Shared Network

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Technologies, Inc.'s rights and obligations relating to its provision of STS services at 100 South Ashley Drive, Tampa, Florida, to Centres. By that letter, it is apparent that Centres began providing STS at 100 South Ashley Drive on October 1, 1988. We issued data requests dated February 3, 1989, and March 21, 1989, to which we did not receive a specific response. However, a letter from Sharenet/Centres dated December 29, 1988, as well as the May 2, 1989, letter from Sharenet, Inc., and a printout from the Secretary of State's Office indicated that Centres had not only purchased the assets and customer base from Shared Network Technologies, Inc., but had also amended its Articles of Incorporation with the Secretary of State's Office to change its corporate name to Sharenet, Inc., effective January 1, 1989. As of this date, Sharenet, Inc., has submitted three properly formatted revised tariffs for Centres' currently certificated STS locations. Sharenet, Inc., has not, however, submitted a properly formatted tariff for Centres' IXC Certificate No. 2183.

Based on our review of the May 2, 1989, response to Order No. 21070 by Sharenet, Inc., and other letters from Sharenet, Inc., and upon contact with the Secretary of State's Office, it appears that Centres has been operating under the corporate name of Sharenet, Inc., since January 1, 1989. Although STS Certificate No. 2222 for the 100 South Ashley Drive, Tampa, location was issued to Centres Communications Group, Inc., effective January 31, 1989, it appears that the STS services provided at 100 South Ashley Drive have been provided illegally from the inception of the operation. First, Shared Network Technologies, Inc., provided these services up to October 1, 1988, without benefit of an STS certificate; then, Centres Communications Group, Inc., provided STS services from October 1, 1988, until December 31, 1988, without benefit of an STS certificate; and finally, Sharenet, Inc., has provided STS services since January 1, 1989, to the present, without benefit of a valid STS certificate.

Based on the above, we find it appropriate to deny Sharenet, Inc.'s belated request to approve the change in its corporate name from Centres Communications Group, Inc., to Sharenet, Inc.

IV. Docket No. 891173-TS

Docket No. 891173-TS was initiated by Sharenet, Inc.'s

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application for authority to provide STS at the following three new locations: 15310 Amberly Drive, Tampa; 1859 Main Street, Sarasota; and 4380 Sand Lake Road, Orlando. Based on this Company's pattern of disregard for this Commission's orders and rules, we find it appropriate to defer Sharenet, Inc.'s application to provide STS at three additional locations until the resolution of the show cause proceeding initiated at this time by separate Order.

All three dockets shall remain open until the resolution of the show cause proceeding initiated this date by separate Order. We will defer our consideration of the STS applications initiating that docket until that time.

V. Initiation of Show Cause By Separate Order

As the foregoing discussion illustrates this Company has found it difficult to comply with this Commission's rules. Therefore, we find it appropriate to issue a separate Order requiring Sharenet, Inc., to show cause why it should not be fined \$3,400 and why IXC Certificate No. 2185 and 2222 should not be cancelled.

VI. Regulatory Assessment Fees Owed

Since Sharenet, Inc., states that it is the same entity as Centres Communications, Inc., we find it appropriate to require Sharenet, Inc., to remit \$175 in regulatory assessment fees owed for Certificates Nos. 2183, 2184, 2185 and 2222 pursuant to Rule 25-4.0161, Florida Administrative Code.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Sharenet, Inc., is hereby fined \$500 pursuant to Order No. 21070. It is further

ORDERED that Sharenet, Inc.'s request to change the name on its IXC Certificate No. 2183 and its STS Certificates Nos. 2184, 2185, and 2222 is hereby denied. It is further

ORDERED that Sharenet, Inc.'s request for authority to provide STS at the three new locations referred to in the body of this Order is hereby deferred until the resolution of the show cause proceeding initiated by separate Order. It is further

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ORDERED that Sharenet, Inc., shall remit \$175 in regulatory assessment fees owed for Certificates Nos. 2183, 2184, 2185 and 2222. It is further

ORDERED that the provisions of this Order denying Sharenet, Inc.'s request to change the name on the IXC and STS Certificates, currently in Centres Communications Group, Inc.'s name and requiring Sharenet, Inc., to remit the \$175 balance in regulatory assessment fees owed for Certificates Nos. 2183, 2184, 2185 and 2222, are issued as proposed agency action and shall become final unless a petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director of the Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set out in the Notice of Further Proceedings below. It is further

ORDERED that these dockets shall remain open until the resolution of the show cause proceeding initiated this date by separate Order.

By ORDER of the Florida Public Service Commission,
this 12th day of April, 1990.



STEVE TRIBBLE
Director 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

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be granted or result in the relief sought.

As identified in the body of this order, our actions denying Sharenet, Inc.'s request to change the name on IXC Certificate No. 2183 and STS Certificates Nos. 8184, 2185, and 2222 and requiring Sharenet, Inc., to remit \$175 in regulatory assessment fees owed for Certificates Nos. 2183, 2184, 2185 and 2222, are 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 May 3, 1990. In the absence of such a petition, this order shall become effective on the date subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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 the relevant portion of this order becomes final and effective on the date described above, 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.

Any party adversely affected by the Commission's final action discussed in Sections II and IV of this Order, levying a fine and deferring consideration of new STS applications, may request: 1) reconsideration of the decision by filing a motion

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