

8:05am

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:

INVESTIGATION OF CENTRAL  
TELEPHONE COMPANY OF FLORIDA'S  
provision of Centrex Service to  
Royal Oaks Apartments in  
violation of Section 364.339(1)(b),  
F.S., Order No. 17111, Rule  
25-24.560, F.A.C., and General  
Customer Services Tariff 23.8.3.

DOCKET NO. 940139-t1  
DATE FILED: JUNE 29, 1994

PETITION ON PROPOSED AGENCY ACTION PROTESTING ORDER NO.  
PSC-94-0696-FOF-TL AND PETITION FOR FORMAL PROCEEDING  
AND SEEKING CLARIFICATION

1. PETITIONERS: R.J. Allen & Associations, Inc.  
DBA Regent's Club  
808-1 W. Carolina St.  
Tallahassee, FL 32304

2. The petitioners request that all notices and pleadings be served upon Robert J. Allen, P.O. Box 20062, Tallahassee, FL 32316.

3. The petitioners' substantial interests are affected by the proposed order dated June 8, 1994, in this proceeding. As provided in this order, Regent's Club files this petition for formal proceedings or clarification of the order as a person whose substantial interests are affected by the action proposed.

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

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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5. Regent's Club 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 or 1/2 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 Regent's Club. Regent's Club 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.

6. This petition is being filed because, even though the petitioners are not parties to the order, and it is not known how the Commission would apply this ruling to the different set of facts which would be presented by the petitioners, it appears and is assumed that based on some of the language in the order that the Commission would rule against the petitioners which the petitioners would dispute as a ruling of law.

7. The petitioners as operators of a dormitory have standing as the Commission's ruling contemplates dormitories (page 4 of order). Dormitories are also addressed in the staff analysis and in Order 17111 specifically referenced in the subject order.

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 Regent's Club.

(a) Unlike Royal Oaks, Regent's Club is unquestionable a state-of-the-art dormitory which serves 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 weeks for university, college or other sponsored programs.

(d) Unlike Royal Oaks, Regent's Club's tenants are classified as transient.

(e) Unlike Royal Oaks, Regent's Club provided related dormitory services, e.g., housekeeping, security, roommate matching, individual leases, ability to easily change roommates.

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

(g) Unlike Royal Oaks, Regent's Club is today's modern dormitory.

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

(i) Unlike Royal Oaks, Regent's Club residents may:

1) purchase telephone service directly from Centel, 2) may choose their own long distance carrier, 3) can reach the operator of their choice, 4) can make a collect call.

(i) There are numerous other distinctions between Royal Oaks and Regent's Club.

11. The petitioners contend that Regent's Club should not be covered by the Commission's order entered in this matter.

12. The statues 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

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.

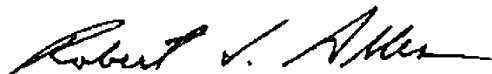
14. The petitioners respectfully request that the Commission

consider the special circumstances in regard to the transient student/tenants served by Regent's Club: 1) student/tenant has initially unknown roommates which he/she may not trust to share costs with, 2) student/tenant has individual leases which indicates the desire to not share costs and liabilities between unknown roommates, 3) Centrex, coupled with individual access codes, has allowed our transient tenants to limit their liability for the long distance calls of roommates. If Regent's Club is prohibited to offer Centrex service to the transient student/tenant, they will be forced to order impractical and uneconomically feasible solutions for the end-user's need for phone service.

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

DATED this 29 day of June 1994.

Respectfully submitted,



Robert J. Allen, President  
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DBA Regent's Club  
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Petitioner