

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of SUNSHINE TELEPHONE, ) DOCKET NO. 880511-TI  
 INC. d/b/a SUNTEL for authority to provide )  
 interexchange telecommunications services ) ORDER NO. 20715  
 as a reseller )  
 \_\_\_\_\_ ) ISSUED: 2-9-89

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
AND  
ORDER GRANTING CERTIFICATE TO SUNSHINE TELEPHONE, INC.  
AND CANCELLING CERTIFICATE NO. 46

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. 11206, issued September 29, 1982, this Commission ordered the removal of tariff restrictions prohibiting the reselling of intrastate WATS and MTS telephone service. Those restrictions were contained in Southern Bell Telephone and Telegraph Company's Tariff Section A2.2.1B, in which the other certificated telephone companies concurred. In that same order, we found that resellers were to be defined as, and treated as, telephone companies. As such, the resellers must be certificated under Chapter 364, Florida Statutes, before they can provide telephone communications services for hire within the State of Florida. On October 4, 1982, we voted to allow the filing of applications for resale certificates and the submission of proposed tariffs.

Resellers are subject to the provisions of Rules 25-24.455 through 25-24.495, Florida Administrative Code. These Rules govern the operations of certificated resellers.

On March 30, 1988, Sunshine Telephone, Inc. d/b/a Suntel (STI), filed an application for a certificate to provide interexchange telecommunications services. The application contained the required background information and its proposed tariff. Having considered the application, it appears that STI is financially stable and technically capable of providing service. Therefore, we find that it is in the public interest to grant a certificate to STI, and it is our intention to grant the certificate.

Certificate No. 46 is held by Sun-Tel Communications Corporation (SCC). By Order No. 19513, issued June 20, 1988, SCC was ordered to pay a fine of \$200.00 for failure to submit its annual report. On July 25, 1988, we were notified by STI that it had purchased SCC's assets and had paid this fine

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imposed on SCC. This notification by STI also indicated that it had paid certain Regulatory Assessment Fees imposed upon SCC.

It appears that SCC has failed to provide service for a period of six months, thereby violating Commission Rule 25-24.474. In light of this apparent violation of our rules, we believe that Certificate No. 46 should be cancelled. We have determined that the Regulatory Assessment Fees applicable to SCC's operations have been paid. For these reasons, we will cancel Certificate No. 46.

This proposed agency action order will become final unless an appropriate petition or protest is filed by one whose substantial interests are or will be affected by this proposed agency action, as provided by Rule 25-22.029.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Sunshine Telephone, Inc. d/b/a SunTel for authority to provide intrastate interexchange telecommunications service is hereby granted. It is further

ORDERED by the Florida Public Service Commission that Certificate No. 46 held by Sun-Tel Communications Corporation be surrendered within twenty (20) days of the date hereof for cancellation by our Staff. It is further

ORDERED that the effective date of the issuance and the cancellation of the certificates discussed in the body of this Order is March 1, 1989, if there is no protest to the proposed agency action within the time frame set forth below.

By ORDER of the Florida Public Service Commission, this 9th day of FEBRUARY, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

DLC

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 an 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.

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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 March 1, 1989. In the absence of such a petition, this order shall become effective March 2, 1989, 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 this order becomes final and effective on March 2, 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.