

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940538-TI
certificate to provide) ORDER NO. PSC-95-0291-FOF-TI
interexchange telecommunications) ISSUED: March 2, 1995
service by BTC)
Telecommunications, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER ACCEPTING WITHDRAWAL OF APPLICATION

BY THE COMMISSION:

On May 11, 1994, BTC Telecommunications, Inc. (BTC) filed an application with this Commission for authority to provide interexchange (IXC) telecommunications service within the state of Florida. Before the application was processed, it was discovered that BTC was already operating as an IXC provider, that BTC was located at the same address as Best Telephone Company, Inc., and that both companies had the same President who was also sole shareholder. BTC ceased operating as an IXC provider on September 30, 1994 and its application for an IXC certificate was withdrawn on November 1, 1994.

On June 13, 1994, shortly after BTC filed its application for an IXC certificate, the Commission received a letter from an attorney for MCI Telecommunications Corporation (MCI) and an attached copy of a BTC customer invoice dated 5/10/94 indicating that BTC was already operating as an IXC provider. The BTC invoice included charges to the customer for interstate and intrastate calls.

MCI's letter also pointed out that BTC's application failed to disclose that the President, sole shareholder and director of BTC was, in fact, the President, sole shareholder and director of The Best Telephone Company, Inc. (Best), a certificated IXC provider. Attached to MCI's letter was a copy of an April, 1994 judgment for MCI against Best from the United States District Court for the Southern District of Florida, Miami Division.

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FPSC-RECORDS/REPORTING

On June 17, 1994, this Commission received a letter from Best's attorney describing the omission in the application as an oversight. MCI's attorney responded on June 6, 1994, asserting that, until Best fully satisfied its obligation to MCI, a certificate to BTC was not in the public interest.

In responses to Interrogatories received by Staff, it appears that National Telecommunications of Florida (NTC) had provided services as the underlying carrier for Best from November 6, 1992 until April 30, 1994 and to BTC from May 1, 1994, to September 30, 1994. Thus, for the latter period of time, BTC operated as an IXC provider in the state of Florida without a certificate. NTC indicated that it no longer provides telecommunications services to BTC. BTC ceased operating as an IXC provider on September 30, 1994 and is not currently operating as an IXC provider in this state.

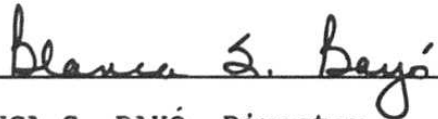
Upon consideration, we accept the withdrawal of BTC's application for an IXC Certificate without any further action. Because BTC is not currently providing intrastate services in Florida, the Commission has no jurisdiction over its present operations.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the November 1, 1994 request for withdrawal of application by BTC Telecommunications, Inc. for an IXC Certificate is granted. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 2nd day of March, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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 and/or wastewater 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.