

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 941309-TI
certificate to provide) ORDER NO. PSC-95-0560-FOF-TI
interexchange telecommunications) ISSUED: May 8, 1995
service by 800 SERVICES, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING APPLICATION FOR CERTIFICATE

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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 20, 1994, 800 SERVICES, INC., filed an application for a certificate to provide interexchange telecommunications service in Florida. The application was not complete. Since that date, the company has not filed the information necessary to have a complete application on file with this Commission. Further, the company has not filed the necessary information with the Secretary of State, Division of Corporations to be authorized to conduct business in Florida. By letter dated February 14, 1995, Commission staff requested that this information be filed with the Commission by March 10, 1995. To date, nothing has been received.

Therefore, because of its failure to file the necessary information, we find that the application should be denied.

Rule 25-24.4701 (3), F.A.C., Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited provides:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully

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reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

It appears that 800 SERVICES, INC. could be violating Rule 25-24.4701 (3), F.A.C. Therefore, we find all certificated interexchange carriers shall discontinue providing intrastate long distance service to this company.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the application of 800 SERVICES, INC. to provide interexchange telecommunication service within the State of Florida is denied. It is further

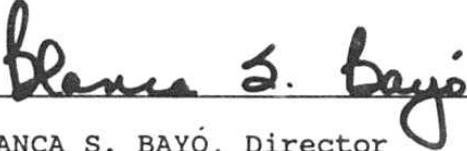
ORDERED that all certificated interexchange telecommunication companies shall discontinue providing interexchange telecommunications service to 800 SERVICES, INC. for violation of Rule 25-24.4701(3), F.A.C., Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket should be closed.

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By ORDER of the Florida Public Service Commission, this 8th
day of May, 1995.



A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

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.

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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 30, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 the date described above, any party substantially 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 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 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.