

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950147-TI
certificate to provide) ORDER NO. PSC-95-0862-FOF-TI
interexchange telecommunications) ISSUED: July 17, 1995
service by Schneider)
Communications, 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 GRANTING REQUEST TO WITHDRAW APPLICATION

BY THE COMMISSION:

By Proposed Agency Action Order Number PSC-95-0587-FOF-TI, issued May 11, 1995, the Commission granted a Certificate of Public Convenience and Necessity to provide interexchange telecommunications service to Schneider Communications, Inc. (SCI or the company). On May 20, 1995, prior to the Order becoming final, the Division of Records and Reporting received a letter from the company requesting that its application be withdrawn.

Although SCI's letter did not meet the formal requirements of a protest as outlined in Rule 25-22.036, Florida Administrative Code, we interpreted it as a protest. A protest to a proposed agency action renders the action void, thus allowing the Commission to make another decision. By accepting SCI's letter as a protest, we can grant the company's request to withdraw its application.

Upon consideration, we believe granting SCI's request is appropriate. By allowing SCI to withdraw its application, a certificate will not be issued and the company will not be responsible for regulatory assessment fees.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Schneider Communications, Inc.'s request to withdraw its application for a Certificate of Public Convenience and Necessity to provide interexchange telecommunications service is hereby granted. It is further

ORDERED that this docket is hereby closed. It is further

ORDERED that Order Number PSC-95-0587-FOF-TI is reaffirmed with respect to the other dockets affected by the Order.

By ORDER of the Florida Public Service Commission, this 17th day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. Ryan
Chief, Bureau of Records

(S E A L)

MMB

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.