

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 951251-TI
certificate to provide) ORDER NO. PSC-96-0682-FOF-TI
interexchange telecommunications) ISSUED: May 23, 1996
service by USA Calling, 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 ORDER DENYING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE AND REQUIRING
TELECOMMUNICATIONS COMPANIES TO DISCONTINUE SERVICE

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 in accordance with Rule 25-22.029, Florida Administrative Code.

USA Calling, Inc., filed an application for a Certificate of Public Convenience and Necessity to provide statewide interexchange telecommunications service. The application lacked the required background information and the proposed tariffs. It appears that it is not in the public interest to grant a certificate to USA Calling, Inc., to provide interexchange telecommunications service.

Also, all certificated interexchange carriers in the State of Florida are instructed to deny or discontinue service to USA Calling, Inc., pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

This docket will be closed following the expiration of the period specified in the Notice of Further Proceedings or Judicial Review section of this Order unless an appropriate petition, protesting the application, is filed by one whose substantial interests may or will be affected by this proposed agency action,

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FPSC-REGULATORY REPORTING

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as provided in Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code.

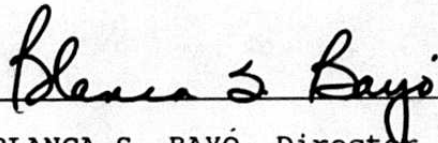
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny USA Calling, Inc.'s application to provide interexchange telecommunications service. It is further

ORDERED that USA Calling, Inc., be denied interexchange telecommunications service from all certificated interexchange telecommunications providers, pursuant to the provisions of Rule 25-24.4701(3), Florida Administrative Code, which prohibits the provision of regulated telecommunications service to uncertificated resellers. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, the certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of May, 1996.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

SCL

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

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 13, 1996.

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.