

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Interexchange
Telecommunications Certificate
No. 5192 and Alternative Local
Exchange Telecommunications
Certificate No. 5195 issued to
FiberSouth of Florida, Inc.
d/b/a FiberSouth, Inc.

DOCKET NO. 971376-TP
ORDER NO. PSC-97-1417-FOF-TP
ISSUED: November 13, 1997

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING INTEREXCHANGE
TELECOMMUNICATIONS 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.

FiberSouth of Florida, Inc. d/b/a FiberSouth, Inc.
(FiberSouth), holder of Interexchange Telecommunications
Certificate (IXC) of Public Convenience and Necessity Number 5192
and Alternative Local Exchange Telecommunications Certificate
(ALEC) of Public Convenience and Necessity Number 5195, has
requested the cancellation of IXC Certificate Number 5192 and ALEC
Certificate Number 5195.

FiberSouth shall return its certificates to this Commission.
In addition, under Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual regulatory assessment fee of \$50
if the certificate was active during any portion of the calendar
year. A Regulatory Assessment Fee Return notice will be mailed to

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FiberSouth. Neither the cancellation of its certificates nor the failure to receive a Regulatory Assessment Fee Return notice shall relieve FiberSouth from its obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

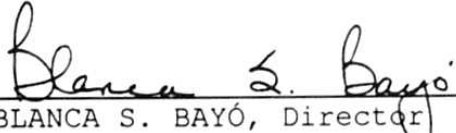
ORDERED by the Florida Public Service Commission that FiberSouth of Florida, Inc. d/b/a FiberSouth, Inc.'s Certificate Number 5192 to provide interexchange telecommunications services and Certificate Number 5195 to provide alternative local exchange telecommunications services are hereby cancelled. It is further

ORDERED that FiberSouth of Florida, Inc. d/b/a FiberSouth, Inc. shall return its certificates to this Commission and remit all due and owing regulatory assessment fees. 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of November, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 December 4, 1997.

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.

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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.