

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Pentatel, Inc. for)	DOCKET NO. 881052-TI
a Certificate of Public Convenience and)	ORDER NO. 20574
Necessity Authorizing Operation as an)	ISSUED: 1-9-89
Interexchange Company)	

The following Commissioners participated in the disposition of this matter:

KATIE NICHOLS, Chairman
 THOMAS M. BEARD
 GERALD L. GUNTER
 JOHN T. HERNDON
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING 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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On August 8, 1988, Pentatel, Inc. (Pentatel), filed an application for a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services. The application did not contain crucial tariff information, prompting our Staff to request additional information from Pentatel on two occasions. The company did not respond to these requests and attempts to reach Pentatel proved fruitless.

Under Rule 25-24.471, Florida Administrative Code, it is the obligation of the applicant to fully satisfy all requirements of certification. We find that Pentatel's application is incomplete and that the applicant has refused to meet its obligations under our rules. Therefore, we find that it is not in the public interest to grant a certificate to the Company.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Pentatel, Inc., 541 Clearlake Road, Suite 6, Cocoa, Florida 32922, for a certificate to provide intrastate interexchange telecommunications service is hereby denied as set forth in the body of this Order. It is further

ORDERED that the effective date of this Order is January 31, 1989, if there is no protest to this proposed agency action within the time frame set forth below.

DOCUMENT NUMBER-DATE

00229 JAN-9 1989

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By ORDER of the Florida Public Service Commission,
this 9th day of JANUARY, 1989.


STEVE TRIBBLE, 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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on January 30, 1989. In the absence of such a petition, this order shall become effective January 31, 1989, as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

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 January 31, 1989, any party adversely 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 sewer 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.