

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of NORTH AMERICAN ) DOCKET NO. 881087-TI  
 TELEPHONE, INC. for voluntary cancellation) )  
 of Certificate No. 39 (Americall LDC, ) ORDER NO. 20661  
 Inc.), Certificate No. 40 (Datel ) )  
 Communications, Inc.) and Certificate No. ) ISSUED: 1-26-89  
 52 (North American Telephone 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 ACTION  
AND  
ORDER GRANTING CANCELLATION OF CERTIFICATES

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.

North American Telephone Company, Inc. (North American) holds Certificate Number 52. The Company also holds two other certificates through two wholly-owned subsidiaries: Certificate No. 39 (Americall LDC, Inc.), Certificate No. 40 (Datel Communications, Inc.). On August 16, 1988, North American filed an application with the Commission to cancel these three certificates.

Because of North American's serious negative financial position, Telus Communications, Inc. (Telus) has agreed to purchase the customer base of North American, Datel and Americall LDC and to concomitantly satisfy all of their outstanding creditors through a non-judicial liquidation of the company. Petitioner has also requested the protest period of the PAA order be shortened to fourteen days to facilitate the required transactions in an expeditious manner and preclude foreclosures or interruptions of service to its customers.

Telus is an established Florida-based telecommunications company (FPSC Certificate No. 2071). According to North American, Telus will transition the customers to its services during an 90-day period. Telus will serve North American's customers with the same or a better grade of service under the same rates, terms, and conditions as are presently in effect during the 90-day transition period. According to North American, the 90-day transition period is required to facilitate the orderly transfer of customers to the Telus billing system. Customers will receive full and prompt notice of the terms involved in this transfer and they may discontinue

ORDER NO. 20661  
DOCKET NO. 881087-TI  
PAGE 2

service and select another carrier at any time without penalty. Since neither Americall LDC, Datel nor North American collect advance payments or deposits, no customers will be adversely affected by a transfer to Telus.

Upon consideration, we approve North American's request to cancel its certificate and those of Datel and American LDC. We also grant the company's request to shorten the protest period to fourteen days. We note that North American and Americall LDC currently owe \$261.96 and \$175.12, respectively, in penalties and interest for late payment of regulatory assessment fees. Our cancellation of their respective certificates does not affect their obligations to pay the appropriate amounts due, nor does it relieve them of their obligations to remit their respective final regulatory assessment fees in a timely manner.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that North American Telephone Company, Inc.'s request to cancel Certificates Numbers 39, 40 and 52 is granted as set forth in the body of this order. It is further

ORDERED that the effective date of this Order is February 10, 1989, if there is no protest to this proposed agency action within the time frame set forth below.

BY ORDER of the Florida Public Service Commission,  
this 26th day of JANUARY, 1989.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

TH

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.

ORDER NO. 20661  
DOCKET NO. 881087-TI  
PAGE 3

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 February 9, 1989. In the absence of such a petition, this order shall become effective February 10, 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 February 10, 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.