

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for authority to)	DOCKET NO. 900300-TI
provide interexchange telecommunications)	ORDER NO. 23507
service by PHOENIX NETWORK, INC.)	ISSUED: 9-18-90
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTIONORDER GRANTING 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Phoenix Network, Inc. (Phoenix) filed an application to provide interexchange carrier (IXC) service on April 20, 1990. Having considered Phoenix's application and proposed tariff, we find they meet our standard filing requirements. From Phoenix's application, it appears the Company is technically capable of providing service. Therefore, we find that it is in the public interest to grant a certificate to Phoenix, and it is our intention to grant the certificate. IXCs are subject to the provisions of Rules 25-24.455 through 25-24.495, Florida Administrative Code. Additionally, by Order No. 16804, IXCs are prohibited from constructing facilities to bypass a local exchange company without express prior approval from the Commission.

There is an additional matter that must be mentioned. Prior to the filing of this application it was discovered that Phoenix began providing intrastate IXC telecommunications service in July, 1989, prior to applying for Commission approval. This will be addressed in a separate order to show cause to be issued in this docket.

DOCUMENT NUMBER-DATE

08307 SEP 18 1990

PSC-RECORDS/REPORTING

ORDER NO. 23507
DOCKET NO. 900300-TI
PAGE 2

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Phoenix Network, Inc. for a certificate to provide intrastate interexchange telecommunications service is granted as set forth in the body of this Order. It is further

ORDERED that the effective date of the certificate is the first working day following the date specified below, if there is no protest to the proposed agency action within the time frame set forth below

By ORDER of the Florida Public Service Commission,
this 18th day of SEPTEMBER, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

By Kay Flynn
Chief, Bureau of Records

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

ORDER NO. 23507
DOCKET NO. 900300-TI
PAGE 3

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 October 9, 1990.

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, 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 the date described above, 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.