

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for)
Certificates to Provide)
Interexchange Telecommunications)
Services.)
)
ARROW COMMUNICATIONS, INC. d/b/a) DOCKET NO. 930898-TI
INDIANTOWN TELEPHONE LONG)
DISTANCE CO.)
)
) ORDER NO. PSC-93-1634-FOF-TI
ISSUED: November 8, 1993

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER 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.

On September 9, 1993, Arrow Communications, Inc. d/b/a Indiantown Long Distance Company (Arrow or the Company) applied for a certificate to provide long distance service. The application indicates that the company will be a reseller of long distance service. Arrow is wholly owned by Robert Post, Jr. Mr. Post is also president of Indiantown Telephone Company, a local exchange company (LEC).

Because of the potential for shared assets, our staff has made additional inquiries into the relationship between Arrow and Indiantown. We remain concerned with the similarity between that relationship and that of United Telephone Company (United) and United Telephone Long Distance (UTLD). The relationship between United and UTLD was addressed in Docket No. 870285-TI.

We must note the similarities between these two Dockets. Arrow intends to use an independent marketing agent but will have access to Indiantowns resources and will obviously benefit from the

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name recognition through its fictitious name. Similar circumstances led us to impute an compensatory payment of 2.8% of the difference between net revenues and originating and terminating access charges, not to exceed 17.5% of UTLD's net operating income on an after tax basis. Such a solution would be feasible is the instant ease because Arrow will not pay access charges but will pay the rates of its underlying carrier. We further not that the relationship of Arrow and Indiantown is structurally different from that of United UTLD in that Arrow is not a subsidiary of Indiantown while UTLD is a subsidiary of United.

While it may be appropriate to treat Arrow in a manner similar to that of UTLD, such a determination is not appropriate at this time. However, if a further review of its earnings indicates that additional compensation is due Indiantown, we reserve the right to order such treatment.

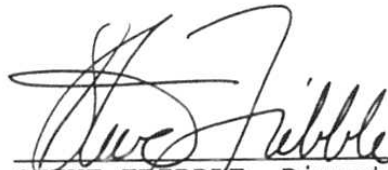
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for a Certificate of Public Convenience and Necessity by Arrow Communications, Inc. d/b/a Indiantown Long Distance Company is hereby approved as described in the body of this Order. It is further

ORDERED that any protest of this docket shall be filed pursuant to the requirements set forth below. It is further

ORDERED that if no protest is filed this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th day of November, 1993.



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 November 29, 1993.

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 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 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.