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February 11, 1997


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VIA OVERNIGHT MAIL

Ms. Blaya S. Blanco
Director, Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 960295-TI Application of World Long Distance, Inc. for Authority to Provide Interexchange Service Within the State of Florida

ACK _____
AFA 1 Dear Ms. Bayo:
APP _____
CAF _____
CMU 1 Transmitted herewith for filing on behalf of World Long Distance, Inc. is an original and
CTR _____ fifteen (15) copies of its Motion for Immediate Grant of Certificate of Public Convenience and
EAG _____ necessity to obtain authority to provide interexchange service within the State of Florida. So
LEG 1 that we may have proof of this filing, please date stamp the additional copy of the motion and
LIN _____ return to this office in the enclosed self-addressed stamped envelope.
OPC _____
RCH _____
SEC 1 This Motion was initially filed with the Division of Communications, Certification and
WAS _____ Compliance Section, and was stamped as received by that division January 21, 1997.
Undersigned counsel was advised today by a member of the Commission staff that the Motion
was not filed properly and that it should be filed with the Division of Records and Reporting.
We were advised that if the Motion were filed with your office immediately, that a
recommendation on the Motion could be made by February 20, 1997, in time for consideration
by the Commission at its March 4, 1996 agenda meeting.

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Ms. Blaya S. Blanco
February 11, 1997
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I apologize for any inconvenience caused by the earlier improper filing. If there are any questions regarding this Motion, please communicate directly with the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "M. F. Brecher", with a long horizontal flourish extending to the right.

Mitchell F. Brecher
Counsel to World Long Distance, Inc.

Enclosures

49764.1/0909

Before the
State of Florida
Public Service Commission

In the Matter of)
)
WORLD LONG DISTANCE, INC.) Docket No. 960295-TI
)
Application For Authority To Provide)
Interexchange Telecommunications)
Service Within The State Of Florida)

**MOTION FOR IMMEDIATE GRANT OF CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY**

World Long Distance, Inc. ("World Long Distance"), by its attorneys, hereby moves the Florida Public Service Commission ("Commission") for immediate grant of the above-captioned application for authority to provide interexchange telecommunications services within the State of Florida. In support of this motion, World Long Distance states as follows:

World Long Distance's application for interexchange authority was filed with the Commission on March 6, 1996 -- nearly one year ago.¹ Under the procedural time frames routinely followed by the Commission in interexchange certification proceedings, that application would have been granted months ago. Notwithstanding those normal application review procedures, the Commission staff has delayed processing World Long Distance's application. Although the Commission has not indicated to World Long Distance, either directly or through its counsel, why it has deferred action on this application, the Commission's continued and prolonged inaction appears to be related to the pendency of another docketed proceeding

¹See letter from Linda C. Williams, Commission Deputy Clerk, to Mitchell F. Brecher, dated March 7, 1996, acknowledging receipt of the application.

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involving a company called Telecuba, Inc. ("Telecuba").² Mr. Luis Coello, President of Telecuba, has cooperated with the Commission since the Telecuba issue first came to the Commission's attention. Indeed, it was Mr. Coello himself that voluntarily first brought this issue to the Commission's attention. Mr. Coello has repeatedly expressed his willingness to cooperate with the Commission in any way possible as indicated in the record of Docket No. 969217-TI. Thus, World Long Distance does not believe that its common ownership with Telecuba serves as basis for the Commission's failure to act. In fact, as explained below, it is primarily because of the Telecuba issue that Mr. Coello founded World Long Distance.

Telecuba, like World Long Distance, is owned by Mr. Luis Coello. Unlike World Long Distance, Telecuba is not a telecommunications carrier but a marketer and distributor of prepaid calling cards. Telecuba's prepaid calling cards are purchased by consumers and are used to obtain interexchange service provided by telecommunications carriers. Initially, Telecuba's calling cards were used by consumers to obtain interexchange services from a company called World Access, Inc. As a result of a dispute between World Access and Telecuba, World Access refused to continue to provide service to holders of Telecuba-distributed prepaid calling cards. Mr. Coello founded World Long Distance as an interexchange carrier in order to serve as an underlying international and domestic long distance telecommunications service provider for prepaid calling cards. Establishment of a commonly-owned underlying telecommunications provider, *i.e.*, World Long Distance, would ensure that end users holding Telecuba-distributed World Access Service calling cards would be able to get the value from their prepaid calling cards to place long distance telephone calls, and that Telecuba would not be subject to the

²See Initiation of show cause proceedings against Telecuba, Inc. for violation of Rule 25-24.470 F.A.C. Certificate of Public Convenience and Necessity Required, Docket No. 969217-TI.

service whims of a carrier with whom it had no affiliation and over which it had no control or ability to assure availability of service.

World Long Distance offers domestic and international service. It is certificated by the Federal Communications Commission ("FCC") pursuant to Section 214 of the Communications Act of 1934, as amended,³ to provide domestic interstate and international service. Its interstate and foreign services are offered pursuant to tariffs which are on file with the FCC and in effect.

World Long Distance's service is marketed primarily to residents of the Cuban-American community of Miami. Thus, the vast majority of its service is foreign communications, with some interstate communications service. In addition, customers purchasing World Long Distance's service desire the capability to place long distance intrastate calls within Florida. Thus, World Long Distance deems it important that it be able to fulfill all of its customers' calling needs, including intrastate calling. For example, some users of World Long Distance service are college students whose families purchase Telecuba calling cards to enable the students to call home from college campuses throughout Florida.

By continuing to defer action on World Long Distance's application, the Commission is impeding the efforts of World Long Distance to compete in the provision of intrastate telecommunications service. Precluding a telecommunications company from entering the intrastate interexchange market is contrary to the pro-competitive objectives of the Telecommunications Act of 1996 enacted in February 1996.⁴ More specifically, prolonged inaction on a pending application for state authority is plainly contrary to Section 253(a) of the

³47 U.S.C. § 214.

⁴Pub. Law No. 104-104, 110 Stat. 56.

Communications Act, added to that Act by the 1996 Telecommunications Act. Section 253(a) states as follows:

No State or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.⁵

It is difficult to imagine any state requirement or action having a more preclusive effect on the ability of an entity like World Long Distance to provide intrastate service than for the Commission simply to refuse to act on its long-pending application.

In making this request for immediate grant of its application for authorization of interexchange service, World Long Distance is aware that certain alleged activities of its commonly-owned company, Telecuba, remain subject to a pending Commission docketed proceeding in which Telecuba has submitted responsive pleadings explaining why its conduct has not violated any law or regulation applicable to it. Pursuant to the procedural schedule in that proceeding announced in the Commission's Order Establishing Procedure,⁶ Telecuba will be submitting written testimony of its president, Mr. Coello, on January 22, 1997, which will further demonstrate that no laws or regulations have been violated by Telecuba, and that all corrective measures, including refund procedures, have been implemented by Telecuba in order to appropriately compensate any consumers who might have been inconvenienced by the temporary unavailability of long distance service in connection with Telecuba calling cards.

World Long Distance also recognizes that the Commission may wish to compile a complete record before reaching any determinations in the Telecuba case. Therefore, in order

⁵47 U.S.C. 253(a).

⁶Order No. PSC-97-047-PCO-TI, issued January 9, 1997.

to enable World Long Distance to become certificated to provide intrastate service in accordance with the letter and the spirit of the 1996 Telecommunications Act, World Long Distance is willing to accept a Commission grant of its application conditioned upon any action or requirement which might be taken or imposed in the Telecuba matter which would impact World Long Distance's authorization.

WHEREFORE, World Long Distance respectfully moves the Commission for immediate grant of its nearly one year old pending application.

Respectfully submitted,

WORLD LONG DISTANCE, INC.



Mitchell F. Brecher
Terri B. Natoli

FLEISCHMAN AND WALSH, L.L.P.
1400 Sixteenth Street, N.W.
Washington, DC 20036
(202) 939-7900

Its Attorneys

February 11, 1997

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CERTIFICATE OF SERVICE

I, Antoinette R. Mebane, hereby certify that a copy of the foregoing "Motion For Immediate Grant of Certificate of Public Convenience and Necessity" was served this 11th day of February, 1997, via overnight mail, upon the following:

Will Cox, Esquire
Florida Public Service Commission
Legal Department
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0866



Antoinette R. Mebane