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MEMORANDUM

March 30, 1998

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FPSC - Records Report

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *VP MCB*

RE: DOCKET NO. 970842-TI - APPLICATION FOR CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY ICT SERVICES CORP.

98-0453-FOF-TI

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER DENYING CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE AND REQUIRING TELECOMMUNICATIONS PROVIDERS TO DENY OR DISCONTINUE SERVICE, to be issued in the above referenced docket. (Number of pages in order - 4)

KMP/anr
Attachment
cc: Division of Communications
I: 970842.kmp

*Sent to mailroom
4/1/98*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunications
service by ICT Services Corp.

DOCKET NO. 970842-TI
ORDER NO. PSC-98-0453-FOF-TI
ISSUED: March 31, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING CERTIFICATE TO PROVIDE INTEREXCHANGE
TELECOMMUNICATIONS SERVICE AND REQUIRING
TELECOMMUNICATIONS PROVIDERS TO DENY OR DISCONTINUE SERVICE

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 a formal proceeding in accordance with Rule 25-22.029, Florida Administrative Code.

On July 9, 1997, ICT Services Corp. (ICT) filed an application for a Certificate of Public Convenience and Necessity to provide statewide interexchange telecommunications service. The Commission was scheduled to vote on the application at the October 7, 1997, Agenda Conference.

On September 29, 1997, however, the Commission's staff requested that the docket be deferred from the October 7, 1997, Agenda Conference because of a consumer complaint received by the Commission's Division of Consumer Affairs. Our staff attempted to

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contact the company but all efforts were unsuccessful. On January 13, 1998, our staff was finally able to contact ICT's attorneys. They informed staff that they had not been able to contact the company, and they did not represent the company any longer.

Therefore, since we have been unable to contact the company to further investigate the information given to us by the consumer, we find that it is not in the public interest to grant a certificate to provide interexchange telecommunications service to ICT. Further, we have instructed our staff to investigate whether show cause proceedings should be initiated.

All certificated interexchange carriers in the State of Florida are instructed to deny or discontinue service to ICT Services Corp., pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. Rule 25-24.4701 (3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ICT Services Corp.'s application to provide interexchange telecommunications service is hereby denied. It is further

ORDERED that ICT Services Corp. be denied interexchange telecommunications service from all certificated interexchange telecommunications providers, pursuant to the provisions of Rule 25-24.4701(3), Florida Administrative Code, which prohibits the

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provision of regulated telecommunications service to uncertificated resellers. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 31st day of March, 1998.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 21, 1998.

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 substantially 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.