



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: APRIL 3, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (MECOY)
OFFICE OF THE GENERAL COUNSEL (TEITZMAN)

RE: DOCKET NO. 020400-TX - APPLICATION FOR CERTIFICATE TO
PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICE BY CELLUTEL COMMUNICATIONS INC.

AGENDA: 04/15/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020400.RCM

APR - 2 2003
COMMISSION CLERK
021100-1150

CASE BACKGROUND

On May 7, 2002, Cellutel Communcations Inc. filed an application to provide alternative local exchange service in Florida. During staff's review it was discovered that the application did not include the required financial, managerial and technical information.

On June 4, 2002, staff spoke with the company representative concerning this problem, and was informed that the needed information would be sent to complete the application. Staff called the company on June 25, 2002, and left a message requesting the information. On July 31, 2002, staff e-mailed the company representative and reiterated the need for the information to be sent in by August 8, 2002. On August 5, 2002 staff called the company again, and the phone number had been disconnected. Staff mailed a certified letter to the company that same day.

DOCUMENT NUMBER-DATE

03102 APR-28

FPSC-COMMISSION CI FRK

DATE: APRIL 3, 2003

On August 13, 2002, the Division of the Commission Clerk and Administrative Services informed staff that mail for Cellutel Communications Inc. was returned "signed and delivered" by the Post Office. The envelope was addressed to the official mailing address in the application. No response has been received.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Cellutel Communications Inc. a certificate to provide alternative local exchange telecommunications service in the State of Florida as provided by Section 364.337, Florida Statutes?

RECOMMENDATION: No. The applicant should not be granted a certificate to provide alternative local exchange telecommunications service in Florida. (McCoy)

STAFF ANALYSIS: To date, the applicant has not responded to staff's numerous inquiries regarding the company's technical, financial, and managerial capabilities. Section 364.337(1), Florida Statutes, states in part:

The commission shall grant a certificate of authority to provide alternative local exchange service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

Due to the applicant's failure to respond to repeated requests for information necessary to process the application, staff does not believe it is in the public interest to grant a certificate to the applicant.

DOCKET NO. 020400-TX

DATE: APRIL 3, 2003

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed upon the issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.
(Teitzman)

STAFF ANALYSIS: This docket should be closed upon the issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order.