

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for cancellation of IXC )	DOCKET NO. 881574-TI
certificates issued to TMC OF ORLANDO )	ORDER NO. 20919
and TMC OF TAMPA. )	ISSUED: 3-20-89

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER CANCELLING CERTIFICATE NUMBERS 55 AND 59

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

By letter dated December 14, 1988, South Tel, Inc. (South Tel), the purchaser of the assets of the companies formerly doing business as TMC of Orlando and TMC of Tampa, requested the cancellation of Public Convenience and Necessity Certificate Numbers 55 and 59 held by the respective companies. South Tel, which operates under Certificate No. 57, maintains that all customers of these companies have become its customers and that both companies have discontinued operation. We find that cancellation of the certificates in question will in no way effect South Tel's obligation to pay any outstanding regulatory assessment fees due under the ceased operations. Accordingly, we will grant the request of South Tel for the cancellation of Certificates Nos. 55 & 59.

This docket will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing, protesting cancellation of a specific certificate, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Florida Administrative Code Rules 25-22.029 and 25-22.036 (7)(a). A petition protesting a specific cancellation, filed by one whose substantial interests are affected, will not prevent our proposed action from becoming final as to any other cancellation listed in this Order.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request of South Tel, Inc., for the cancellation of TMC of Orlando and TMC of Tampa Certificates Nos. 55 & 59 respectively, is hereby approved. It is further

ORDERED that this Order will become final on April 11, 1989, if there is no protest to this proposed agency action within the time frame set forth below. It is further

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ORDERED that the above-noted certificates be surrendered for cancellation within twenty (20) days of the date this Order becomes final.

By ORDER of the Florida Public Service Commission,  
this 20th day of MARCH, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

ELJ

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 April 10, 1989. In the absence of such a petition, this order shall become effective April 11, 1989 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 April 11, 1989, 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.