

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of MARVIN EARL) DOCKET NO. 890937-TI
MARSHALL d/b/a REAL-TIME SERVICES, INC.)
for authority to provide interexchange) ORDER NO. 22438-A
telecommunications service)
_____) ISSUED: 2-5-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
THOMAS M. BEARD
BETTY EASLEY
GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION
AMENDATORY ORDER CANCELLING 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 substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On January 22, 1990, we inadvertently issued a standard Order granting the application of Marvin Earl Marshall d/b/a Real-Time Services, Inc., for authority to operate as an interexchange telephone company within Florida. This Order did not reflect the decision of this Commission. Our decision in this matter was to propose to deny the application. Accordingly, Order No. 22438 is withdrawn and this Order substituted in its entirety.

On July 19, 1989, this Commission received an application from Marvin Earl Marshall d/b/a Real-Time Services, Inc., for authority to operate as an interexchange telephone company within Florida.

After reviewing the application and tariff, Commission Staff required additional information to complete the tariff. Repeated attempts to contact the applicant while investigating its application were unsuccessful. All contact telephone numbers given have been disconnected and no response has been received to inquiries sent by mail.

DOCUMENT NUMBER-DATE

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We must, therefore, deny the application. However, the applicant may reapply at a future date when and if its operation stabilizes.


Since this is an Amendatory Order, protest period shall commence on the date of the issuance of this Order.

Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that the application of Marvin Earl Marshall d/b/a Real-Time Services, Inc. for a certificate to operate as an interexchange telephone company in Florida is denied. It is further,

ORDERED that if no timely protests are received, this docket shall be closed after the effective date of the proposed agency action (PAA) order, and issuance of the consummating order.

By ORDER of the Florida Public Service Commission,
this 5th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JSR

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

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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 February 26, 1990.

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, 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 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 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.