

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of EXCEL TELECOMMUNI-) DOCKET NO. 891356-TI
 CATIONS, INC. for a certificate of public)
 convenience and necessity authorizing) ORDER NO. 22611
 operation as an interexchange telephone)
 company in Florida.) ISSUED: 2-27-90
)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER GRANTING 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.

Excel Telecommunications, Inc. filed an application for an interexchange certificate on December 8, 1989. The application contained the required background information and its proposed tariff. After having considered the application, it appears that the Company is technically capable of providing service. Therefore, we find that it is in the public interest to grant a certificate to Excel Telecommunications, Inc., and it is our intention to grant the certificate. Interexchange carriers (IXCs) are subject to the provisions of Rules 25-24.455 through 25-24.495, Florida Administrative Code. Additionally, by Order No. 16804, issued October 5, 1984, IXCs are prohibited from constructing facilities to bypass a local exchange company without express prior approval from the Commission.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Excel Telecommunications, Inc. for a certificate to provide intrastate interexchange telecommunications service is granted as set forth in the body of this order. It is further

ORDERED that the effective date of the certificate is the first working day following the date specified below, if there is no protest to the proposed agency action within the time frame set forth below.

By ORDER of the Florida Public Service Commission,
this 27th 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 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

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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 March 20, 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.