

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of National Telephone) DOCKET NO. 891257-TI
 Inc. for certificate to provide inter-) ORDER NO. 22697
 exchange telecommunications.) ISSUED: 3-19-90
)

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 DENYING APPLICATION FOR 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

National Telephone, Inc. (National) is a New York based corporation that provides long distance service to customers in New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington D.C. and Virginia. Of these, only New York and Maryland certificate resellers such as National. National Telephone, Inc. has been certificated in New York since July 25, 1989, and is in good standing with that state's Commission. The company's application is pending in Maryland.

On October 31, 1989, National Telephone, Inc., applied to this Commission for authority to provide interexchange telecommunications service in Florida. The application was incomplete in that some of the questions were not answered and attachments were missing. The tariff filed therewith was also incomplete.

On November 29, 1989, National filed a revised application and tariff. Although some corrections had been made, the application and tariff were still incomplete.

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On January 19, 1990, this Commission sent Mr. Frank M. Grillo, President of National, a letter requesting proof that this company was a registered corporation with the Florida Secretary of State. The letter also directed National to revise its application and tariff, and specifically listed each item that needed to be corrected on both the application and tariff.

National failed to respond to the Commission data request of January 19, 1990, and has failed to return calls from Commission Staff.

Since National has failed to provide necessary information, and has failed to answer Commission inquiries, its application to provide interexchange telecommunications service in Florida is denied.

Based on the foregoing, it is hereby

ORDERED that the application of National Telephone, Inc., for a certificate to operate as an interexchange telephone company reselling long distance service in Florida is hereby denied. It is further,

ORDERED that the denial shall be effective at the end of the protest period, assuming no protest is received. It is further,

ORDERED that this docket shall be closed after the expiration of the protest period if no timely protest is received.

By ORDER of the Florida Public Service Commission,
this 19th day of MARCH, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JSR

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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 9, 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.