

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of CENTEL NETWORK )	DOCKET NO. 890689-TI
COMMUNICATIONS, INC. d/b/a CENTEL NET )	
for authority to provide interexchange) )	ORDER NO. 23357
telecommunications service. )	
_____ )	ISSUED: 8/15/90

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING REQUEST FOR CANCELLATION OF IXC CERTIFICATE  
 AND CANCELLING HEARING ON COMPENSATION ISSUE

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.

I. BACKGROUND

On May 18, 1989, Centel Network Communications, Inc., (Centel Net) applied to this Commission for authority to provide interexchange telecommunications service. Centel Corporation is the parent corporation of Centel Net and Central Telephone Company. Central Telephone Company is parent to Central Telephone Company of Florida, which is certificated in Florida as a local exchange company (LEC).

By Order No. 22407, we authorized Centel Net to operate as an interexchange carrier (IXC) in Florida. Because Centel Net is affiliated with Central Telephone Company of Florida, we imposed certain terms and conditions to lessen the possibility that either company would engage in discriminatory practices against other IXCs. In that Order, we set for hearing the issue of whether compensation should be paid by Centel Net to Central Telephone Company of Florida. We authorized Centel Net to begin

DOCUMENT NUMBER-DATE

07357 AUG 15 1990

FPC-RECORDS/REPORTING

ORDER NO. 23357  
DOCKET NO. 890689-TI  
PAGE 2

its IXC operations provided that any compensation fee we subsequently determined to be appropriate would be retroactive to the date of its certification.

To avoid the possibility of anti-competitive practices and any negative impact on customers and other IXCs, Order No. 22407 also specified terms and conditions for Centel Net's certification. One such condition required Centel Net to submit a confidential treatment plan for proprietary information regarding other IXCs held by Central Telephone Company of Florida. This requirement was to ensure that no officer, director or employee of Centel Net would have access to any proprietary information held by Central Telephone Company of Florida that related to other IXCs. Centel Net submitted a confidential treatment plan. However, we rejected it because the plan clearly contemplated common officers for Centel Net and Central Telephone Company of Florida. Accordingly, by Order No. 22880, we required Centel Net to submit a revised plan within ten days.

II. CENTEL NET'S REQUEST FOR CANCELLATION OF ITS IXC CERTIFICATE APPROVED

On June 22, 1990, Centel Net filed notice that it plans to cease providing long distance service to its customers in Florida as of July 23, 1990. The company states that it is uneconomic for it to continue operations, and that it has arranged with another certificated carrier, U.S. Sprint, to continue providing uninterrupted service to Centel Net's Florida customers.

Rule 25-24.474 (2), Florida Administrative Code, states that if a certificated company desires to cancel its certificate, it shall request cancellation from this Commission in writing and shall provide the following with its request: (a) a statement of intent and date to pay its Regulatory Assessment Fee (RAF), (b) a statement of why the certificate is proposed to be cancelled; (c) a statement on treatment of customer deposits and final bills, and (d) proof of individual customer notice regarding discontinuance of service.

Centel Net states it will pay the RAF for the four months it was in operation in 1990, and that the company did not accept nor require customer deposits. Notices to individual customers were mailed on June 22, 1990, and all final bills to customers

ORDER NO. 23357  
DOCKET NO. 890689-TI  
PAGE 3

will be rendered within thirty days after July 23, 1990, the date that Centel Net will cease providing long distance service to its Florida customers. Centel Net's notice to its customers advises of the company's arrangement for U.S. Sprint to continue providing the customers' service on an uninterrupted basis, however, other carrier choices are available at the customers' options. In no event are the customers to be charged for the changeover to their designated carriers. Centel Net has satisfied the cancellation requirements of Rule 25- 24.474(2), Florida Administrative Code, and therefore, we approve the company's request to cancel its IXC certificate.

### III. COMPENSATION HEARING CANCELLED

Order No. 22407 set for hearing, on our motion, the issue of what, if any, compensation fee is appropriate for Centel Net to remit to Central Telephone Company of Florida. The hearing is currently scheduled for April 10-11, 1991. Centel Net's request for cancellation asks that the compensation hearing be terminated and this docket be closed, since no purpose would now be served in pursuing the issue. We agree. Centel Net did not receive an IXC certificate until January, 1990, and we believe the few months' revenue and associated compensation, if established in a hearing, would not justify the time and expense of the proceeding. According to Centel Net, total revenue in Florida from its start-up date to the present is \$88,788, while its total carrier and access costs is \$106,343. Therefore, according to Centel Net, there is a net loss and thus there would be no compensation due to Central Telephone Company of Florida.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Centel Network Communications, Inc.'s request for cancellation of its interexchange carrier certificate is hereby approved. It is further

ORDERED that the current hearing set on the compensation issue is hereby cancelled. It is further

ORDERED that the provisions of this Order are issued as proposed agency action and shall become final unless a petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director of the Division of Records and

ORDER NO. 23357  
DOCKET NO. 890689-TI  
PAGE 4

Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 5, 1990. It is further

ORDERED that, if no protest is received within the 21 days protest period set out in the Notice of Further Proceedings below, this this docket shall be closed upon our Staff's determination that all regulatory assessment fees have been paid.

By ORDER of the Florida Public Service Commission, this 15th day of AUGUST, 1990.

  
\_\_\_\_\_  
STEVE TRIBBLE Director  
Director of Records and Reporting

( S E A L )

SFS

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

ORDER NO. 23357  
DOCKET NO. 890689-TI  
PAGE 5

Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 5, 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.