

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for authority to	)	DOCKET NO. 900108-TI
provide interexchange telecommunications	)	ORDER NO. 23630
service by SELKIRK COMMUNICATIONS, INC.	)	ISSUED: 10-18-90
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING SELKIRK COMMUNICATIONS, INC.'S  
APPLICATION TO OPERATE AS AN INTEREXCHANGE TELEPHONE COMPANY

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.

On February 12, 1990, Selkirk Communications, Inc. (SCI) filed an application for a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company (IXC). SCI is a Florida corporation located at 644 South Andrews Avenue, Fort Lauderdale, Florida 33301. It is a facility-based company which owns its own transmission facilities. At present, it is providing intrastate service in Florida by leasing dark fiber to MCI and Digital Signal, Inc., two certificated telecommunications services in the Ft. Lauderdale area.

Due to the revision of Section 364.02(7), Florida Statutes, which became effective October 1, 1990, this type of telecommunications entity no longer needs to be certificated. Since SCI states that it plans to limit its services to being a carriers' carrier for certificated companies, SCI does not require certification. Accordingly, its application for an IXC certificate shall be denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Selkirk Communications, Inc.'s application for a certificate to provide

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intrastate interexchange telecommunications service is hereby denied for the reasons set forth herein. It is further

ORDERED that the effective date of our action described herein is the first working day following the date specified below, if no proper protest to our proposed agency action is filed within the time frame set forth below. It is further

ORDERED that this docket shall be closed by the consummating order to be issued in this docket, assuming no proper protest to our proposed action is received within the time frames set forth below.

By ORDER of the Florida Public Service Commission, this 18th day of OCTOBER, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

by: Kay Flynn  
Chief, Bureau of Records

CWM/ABG

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.

Chief, Bureau of Records

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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 NOVEMBER 08, 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.