

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to)	DOCKET NO. 910693-TI
provide interexchange telecommunications)	
services by INTERNATIONAL TELECOMMUNICA-)	ORDER NO. 25018
TIONS EXCHANGE CORPORATION)	
_____)	ISSUED: 9/5/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Because of an April 17, 1991, telephone inquiry we sent a data request to International Telecommunications Exchange Corporation (INTEX or the Company) with a requested response of April 25, 1991. No reply was received.

On June 6, 1991, the Commission's Division of Communications received another inquiry concerning INTEX. Attached to this inquiry was information which indicated that INTEX is as a billing and collection company operating in the State of Florida without proper authority. Because of this information, on June 13, 1991, we sent a another letter to INTEX regarding marketing agents of telecommunication companies which noted that INTEX could be subject to a fine if the Commission determined INTEX was violating the Commission's rules which require that a Certificate of Public Convenience and Necessity is required in order to provide telecommunications service in Florida. We also requested that either the data request or an application for certification, be returned by June 28, 1991. On June 20, 1991, we received an application for certification from INTEX to operate as an interexchange company (IXC).

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-24.471, Florida Administrative Code, Application for Certificate, establish the requirements for certification as an interexchange telephone company (IXC).

Based upon inquiries received by the Commission and an admission by the Company in its application for certification, we find that INTEX has been conducting business in Florida since

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February, 1991. Under the circumstances, we shall require INTEX to show cause in writing why it should not be fined up to \$3,000.00 for violating Chapter 25-24.470, Florida Administrative Code by providing intrastate communication service without first obtaining a Certificate of Public Convenience and Necessity from the Commission.

This docket shall remain open for the show cause proceeding.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that INTERNATIONAL TELECOMMUNICATIONS EXCHANGE CORPORATION shall be required to show cause in writing why it should not be fined up to \$3,000.00 for violation of Chapter 25-24.470, Florida Administrative Code, for providing intrastate communications without first obtaining a Certificate of Public Convenience and Necessity from the Commission. It is further,

ORDERED that this docket shall remain open pending resolution of the show cause proceeding.

By ORDER of the Florida Public Service Commission, this 5th
day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), 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 9/25/91.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.