

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide interexchange telecommunications services by DIGI-CELL INCORPORATED.) DOCKET NO. 911172-TI) ORDER NO. PSC-92-0180-FOF-TI) ISSUED: 04/10/92)))

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING IXC 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.

On December 3, 1991, DIGI-CELL, INCORPORATED (DCI) filed an application for a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company in Florida. 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).

DCI, located at 414 South Broad Street, Brooksville, FL 34601 is a Florida corporation registered to transact business in Florida. At present, it is not certificated in any other state. DCI states that no regulatory penalties have ever been imposed; nor has it been involved in any civil court proceedings with IXCs, local exchange companies (LECs) or other telecommunications entities. The company agrees to comply with the Commission's EAEA requirements, LEC bypass restrictions, payment of regulatory assessment fees and all other applicable Commission rules and orders. DCI's application has satisfied our standard filing requirements.

Rule 25-24.485, Florida Administrative Code, requires that each interexchange carrier wishing to do business in Florida maintain a tariff on file with this Commission a tariff of

DOCUMENT NUMBER-DATE

03573 APR 10 1992

F-PSC-RECORDS/REPORTING

ORDER NO. PSC-92-0180-FOF-TI
DOCKET NO. 911172-TI
PAGE 2

particular format and content. DCI's tariff is of proper format and contains all the provisions of this Rule.

We note that DCI proposes to introduce a variable rate plan in which the customer's rate is contingent on the customer's payment status and how long he has been a customer. On January 1st and July 1st of every year, DCI will reduce the customer's rate to the next lower rate band if the customer's statement shows no past due balance during the designated time frame. All new customers begin service with DCI at the same rate. We find that this pricing strategy is appropriate and meets our standard filing requirements.

The Company's application and tariff have satisfied our certification requirements. Therefore, a certificate shall be granted to DIGI-CELL INCORPORATED to operate as an interexchange telephone company in Florida.

Therefore, it is

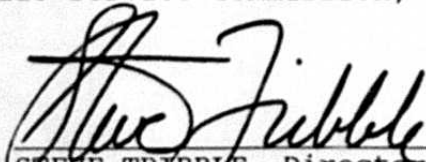
ORDERED by the Florida Public Service Commission that DIGI-CELL INCORPORATED's interexchange carrier application meets the Commission's requirements for certification. It is further

ORDERED that DIGI-CELL INCORPORATED's proposed interexchange carrier tariff meets the Commission's requirements. It is further

ORDERED that a certificate is hereby granted to DIGI-CELL INCORPORATED to operate as an interexchange telephone company in Florida. It is further

ORDERED that this docket shall be closed after the effective date of the proposed agency action order, assuming no timely protest is received.

By ORDER of the Florida Public Service Commission, this 10th day of April, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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 May 1, 1992.

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.

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 wastewater 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.