

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for) DOCKET NO. 920732-TI
certificate to provide) ORDER NO. PSC-92-1309-FOF-TI
interexchange telecommunications) ISSUED: 11/12/92
service by CHERRY PAYMENT)
SYSTEMS, INC. d/b/a CHERRY)
COMMUNICATIONS.)
_____)

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 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 substantially affected files a petition for formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Cherry Payment Systems, Inc. d/b/a Cherry Communications filed an application for an interexchange certificate on July 14, 1992. The application contained the required background information, its proposed tariff, and indicated the company would also be providing alternative operator services (AOS). After having considered the application, it appears that the Company is technically capable of providing service. Upon review, we find that it is in the public interest to grant a certificate to Cherry Payment Systems, Inc. d/b/a Cherry Communications, and it is our intention to grant the certificate. Interexchange carriers (IXCs) are subject to the provisions of Rules 25-24.455 through 25-24.495, Florida Administrative Code. Additionally, by Order No. 16804, issued November 4, 1986, IXCs are prohibited from constructing facilities to bypass a local exchange company without express prior approval from the Commission. Further, AOS providers are bound by our

DOCUMENT NUMBER-DATE
13267 NOV 12 1992
PSC-RECORDS/REPORTING

ORDER NO. PSC-92-1309-FOF-TI
DOCKET NO. 920732-TI
PAGE 2

decisions in Docket No. 871394-TP, including, but not limited to Order No. 20489, issued December 21, 1988.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Cherry Payment Systems, Inc. d/b/a Cherry Communications for a certificate to provide intrastate interexchange telecommunications service and alternative operator services is granted as set forth in the body of this order. It is further

ORDERED that the effective date of the certificate is the first working day following the date specified below, if there is no protest to the proposed agency action within the time frame set forth below. If there is no such protest this docket shall be closed at the end of the proposed agency action period.

By ORDER of the Florida Public Service Commission, this 12th day of November, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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ORDER NO. PSC-92-1309-FOF-TI
DOCKET NO. 920732-TI
PAGE 3

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 December 3, 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.