

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 921190-TI
Public Service Commission of) ORDER NO. PSC-93-0421-FOF-TI
Alternative Access Vendor) ISSUED: 03/18/93
Certificate No. 2972 issued in)
error and issuance of an)
interexchange telecommunications)
service certificate to A QUALITY)
COMMUNICATION SERVICES.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER GRANTING IXC CERTIFICATE
AND CANCELLING AAV 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.

A Quality Communication Services (Quality Communication or Company) initially filed an application for a certificate as an interexchange carrier on March 24, 1992. During the application review process the Company asked that its application be treated as an application to provide alternative access vendor services (AAV). By Order No. PSC-92-0615-FOF-TA, the application for an AAV certificate was granted.

On November 12, 1992, the Company refiled an application for a certificate as an interexchange carrier. In conjunction with the IXC application the Company also asked that its AAV certificate, No. 2972, be cancelled.

The application contained the required background information and its proposed tariff. After having considered the application, it appears that the Company is technically capable of providing

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service. Therefore, we find that it is in the public interest to grant a certificate to A Quality Communication Services, 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, IXCs are prohibited from constructing facilities to bypass a local exchange company without express prior approval from the Commission.

In support of its request for cancellation of its AAV certificate the Company states that its plans require an IXC certificate instead of an AAV certificate. Upon consideration, we find it appropriate to grant the Company's request for cancellation of its AAV certificate.

The Company, if it has not already done so, is hereby directed to return its certificate forthwith to the Commission. Further, our cancellation of the certificate and the closing of this docket in no way diminishes its obligation to pay applicable delinquent regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of A Quality Communication Services for a certificate to provide intrastate interexchange telecommunications service is granted as set forth in the body of this order. It is further

ORDERED that the effective date of the IXC certificate is the day subsequent to the date specified below, if there is no protest to the proposed agency action within the time frame set forth below.

ORDERED that the Company's request to cancel its alternate access vendor certificate is granted as set forth in the body of this Order. It is further

ORDERED that the effective date of cancellation of Certificate No. 2972 is December 31, 1992, if no protest to the proposed agency action is filed with 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. It is further

ORDERED that the Company, if it has not already done so, is to return its AAV certificate and remit any and all outstanding

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Regulatory Assessment Fees due the Florida Public Service Commission.

By ORDER of the Florida Public Service Commission this 18th day of April, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

TH

by: Kay Flynn
Chief, Bureau of Records

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 April 8, 1993.

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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.