

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930113-TA
certification to provide) ORDER NO. PSC-93-0498-FOF-TA
alternate access vendor services) ISSUED: 4/5/93
by FIBERCAP, INC.)
_____)

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 CERTIFICATE
TO PROVIDE ALTERNATE ACCESS VENDOR SERVICES

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.

On January 29, 1993, FiberCap, Inc. filed an application to provide intrastate alternate access vendor (AAV) services. FiberCap, Inc. has filed the information required by Order No. 24877, wherein this Commission set forth the requirements and guidelines for AAVs operating in the State of Florida. Upon review, we find it appropriate to grant FiberCap, Inc. a certificate to provide intrastate AAV service. FiberCap, Inc. shall comply with all of the provisions of Order No. 24877, as well as, any rules developed during the AAV rulemaking process.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that FiberCap, Inc. is hereby granted a certificate to provide alternate access vendor services within the State of Florida. It is further

ORDERED that FiberCap, Inc. shall comply with all the provisions of Order No. 24877 and any rules promulgated for alternate access vendors in the future. It is further

DOCUMENT NUMBER-DATE

03660 APR-58

FPSC-RECORDS/REPORTING

ORDER NO. PSC-93-0498-FOF-TA
DOCKET NO. 930113-TA
PAGE 2

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of April, 1993.



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.

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 26, 1993.

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.

ORDER NO. PSC-93-0498-FOF-TA
DOCKET NO. 930113-TA
PAGE 3

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.