

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Cancellation) DOCKET NO. 930188-TI
by Florida Public Service) ORDER NO. PSC-93-0637-FOF-TI
Commission of Interexchange) ISSUED: April 22, 1993
Telecommunications Service)
Certificate No. 2654 and Tariff)
Issued to ACT TELECOMMUNICATIONS)
SERVICE, INC. for Violation of)
Rule 25-24.480, F.A.C., Reports)
and Records; Rules Incorporated.)
_____)

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 CANCELLING CERTIFICATE NO. 2654

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.

Pursuant to Rule 25-24.480(3), Florida Administrative Code, interexchange telecommunications carriers are required to inform this Commission of any changes in their address or telephone number within ten days of such change. Under Rule 25-24.474(1), Florida Administrative Code, this Commission may, upon its own motion, cancel a certificate of public convenience and necessity for, among other things, the violation of a Commission rule.

On January 8, 1993, we discovered that mail sent to ACT Telecommunications Service, Inc. (ACT) was being returned. Further investigation revealed that ACT was no longer located at its registered address and that its telephone was no longer in service. ACT failed to inform this Commission of its new address, if any, or telephone number, in violation of Rule 25-24.480(3), Florida Administrative Code. Accordingly, pursuant to Rule 25-24.474(1), Florida Administrative Code, we find appropriate to cancel Certificate of Public Convenience and Necessity No. 2654. The

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cancellation of this certificate in no way affects ACT's obligation to pay due and owing regulatory assessment fees.

It is therefore,

ORDERED by the Florida Public Service Commission that Certificate of Public Convenience and Necessity No. 2654 is hereby cancelled. It is further

ORDERED that ACT Telecommunications Service, Inc. shall return its certificate and remit any and all outstanding Regulatory Assessment Fees due the Florida Public Service Commission. It is further

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

By ORDER of the Florida Public Service Commission this 22nd day of April, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: Kay Higon
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 May 13, 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.

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.