

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 940650-TI
Public Service Commission of) ORDER NO. PSC-94-0936-FOF-TI
Interexchange Telecommunications) ISSUED: August 1, 1994
Certificate No. 1455 issued to)
MTS-HOSPITALITY, INC. for)
violation of Rule 25-24.480,)
F.A.C., Records and Reports;)
Rules Incorporated.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING IXC CERTIFICATE NO. 1455

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 a formal proceeding in accordance with Rule 25-22.029, Florida Administrative Code (F.A.C.).

Rule 25-24.480(3)(a), F.A.C., requires each certificated IXC to file any changes in the certificate holder's address (including street name and address, post office box, city) or telephone number, with the Commission, within ten (10) days of the change. Rule 25-24.480(3)(b) requires any changes relating to the individual who is serving as primary liaison with the Commission to be reported within ten (10) days of the change as well.

On March 15, 1994, Mr. James M. Plautz, President of MTS-Hospitality, Inc. (MTS), requested the Commission, by telephone, to cancel MTS's interexchange carrier (IXC) certificate. He was informed that, according to Commission Rules, he would need to make his request in writing. Since Mr. Plautz did not correspond with us further, we sent him a letter on April 26, 1994, informing him that if the correct revision levels for the MTS tariff or a letter

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requesting cancellation of MTS's certificate were not sent by May 9, 1994, then the certificate would be cancelled. This letter was returned, unclaimed, to the Commission and we were unable to contact Mr. Plautz by telephone.

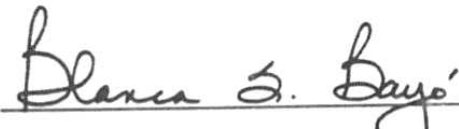
Rule 25-25.474, F.A.C. authorizes the Commission to cancel a certificate, on its own motion, for violation of Commission Rules and Orders. Since it appears MTS has not complied with Commission Rule 25-24.480, and the company cannot be located by mail or phone, certificate number 1455 is hereby cancelled in accordance with Rule 25-24.474 (1)(b), F.A.C.

It is therefore,

ORDERED by the Florida Public Service Commission that Certificate Number 1455 is cancelled. It is further

ORDERED that, unless a person whose interests are substantially affected by our actions herein files a protest in the form and within the time set forth below, in the Notice of Further Proceedings or Judicial Review, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 1st day of August, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 22, 1994.

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.