

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940838-TI
certificate to provide) ORDER NO. PSC-94-1359-FOF-TI
interexchange telecommunications) ISSUED: November 7, 1994
service with alternative)
operator service by TRESKOM USA,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE
WITH ALTERNATIVE OPERATOR SERVICE

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.

On August 12, 1994, TresCom USA, Inc. filed an application for a certificate of public convenience and necessity to provide interexchange telecommunications service with alternative operator service. The application contains the required background information and the proposed tariff. Having considered this application, it appears that it is in the public interest to grant, to TresCom USA, Inc. a certificate to provide interexchange telecommunications service with alternative operator service.

Interexchange telecommunications service providers are charged with the responsibility of complying with the appropriate provisions of Chapter 364, Florida Statutes, and Chapters 25-4 and 25-24, Florida Administrative Code. In addition, interexchange telecommunications services providers are prohibited from constructing facilities to bypass a local exchange company without

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express prior approval from this Commission pursuant to the provisions of Order No. 16804, issued November 4, 1986. Alternative operator services providers are subject to our 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 we hereby grant, to TresCom USA, Inc. a certificate to provide interexchange telecommunications service with alternative operator service subject to the conditions stated in the body of this Order. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this order shall become effective and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 7th day of November, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)
SHS

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.

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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 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 28, 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.