

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 940919-TI  
certificate to provide ) ORDER NO. PSC-95-0679-FOF-TI  
interexchange telecommunications ) ISSUED: June 6, 1995  
service by Untied WATS, Inc. )  
d/b/a UWI. )  
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The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING PROTEST OF PAA

BY THE COMMISSION:

On September 1, 1994, United Wats, Inc. d/b/a UWI (UWI) filed an application for authority to provide interexchange telecommunications service in Florida. The application was complete and was accompanied by an appropriate tariff. Order No. PSC-94-1483-FOF-TI was issued by this Commission on December 1, 1994, granting UWI a Certificate to operate. Subsequently, a timely protest was filed by United Telephone Company of Florida (United). The sole basis for the protest was the similarity of the name.

In its letter of protest, United asserted that its substantial interests would be affected should UWI be allowed to use the name United Wats, Inc. d/b/a UWI because the name was so similar to United Telephone Company that customer confusion with related inquiries and expenses to United would result.

As part of the application process for any IXC, this Commission requires that it register with the Secretary of State Division of Corporations. When a corporation name is too similar to another corporate name in our state, the Secretary of State Division of Corporations disallows registration of that name. This procedure is routine for every company that files an application for an IXC certificate.

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In this case, the Division of Corporations registered the name United Wats, Inc. d/b/a UWI. This Commission recognizes the authority of the Secretary of State Division of Corporations to determine whether a corporate name is appropriate. Generally, we defer to the Division of Corporations to make this determination. This Commission has not denied a certificate solely on the basis of allegations of customer confusion between two company names. Because the Secretary of State accepted and registered United Wats, Inc. d/b/a UWI and there is no apparent public policy reason that the company cannot use its registered name, the protest by United Telephone Company is denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the protest of Order No. PSC-94-1483-FOF-TI by United Telephone Company is denied. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Dizon  
Chief, Bureau of Records

( 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.