

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960562-TI
certificate to provide) ORDER NO. PSC-97-0443-FOF-TI
interexchange telecommunications) ISSUED: April 21, 1997
service by Complete)
Communications, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING APPLICATION FOR CERTIFICATE
TO PROVIDE INTEREXCHANGE TELECOMMUNICATION 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, pursuant to Rule 25-22.029, Florida Administrative Code.

Section 264.337, Florida Statute, states that: "The commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served."

On May 3, 1996, Docket Number 960562-TI was opened in response to Complete Communications, Inc.'s (CCI) request for a certificate to provide interexchange telecommunications service. CCI was informed that it was required to furnish the Commission with its tariff and financial data in order for the Commission to make a determination as to whether or not CCI met the requirements of the statute. Section 364.335, Florida Statutes, requires each applicant to provide all information required by rule or order of the commission, which may include details about the applicant's ability to provide the proposed service.

DOCUMENT NUMBER-DATE

03968 APR 21 5

FPSC-RECORDS/REPORTING

Despite a notice to the company that its request would be denied if it failed to respond to the request for information, CCI still did not furnish the Commission with its tariff and financial data. CCI's failure to provide the requisite information prevented the commission from making a determination as to its qualifications for a certificate. Therefore, we find it reasonable and necessary to deny Complete Communications, Inc.'s request.

Further inquiry by the Commission's staff has indicated that Complete Communications, Inc. has been providing interexchange services within the state of Florida without a certificate, and this is contrary to Section 364.33, Florida Statute, which requires a provider of telecommunications service to the public to obtain the prior approval of the Commission. Rule 25-24.4701(3), Florida Administrative Code, provides that:

The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

In conformance with the Rule, we find it reasonable and appropriate to request that all interexchange companies that hold a certificate within the state of Florida, cease providing intrastate long distance services to Complete Communications, Inc. Complete Communications must also immediately cease providing interexchange services within the state of Florida.

Based on the foregoing, it is

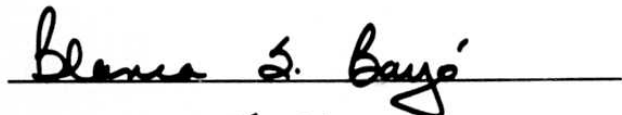
ORDERED by the Florida Public Service Commission that Complete Communications, Inc.'s request for a certificate is denied. It is further

ORDER NO. PSC-97-0443-FOF-TI
DOCKET NO. 960562-TI
PAGE 3

ORDERED that Complete Communications, Inc. cease its practice of providing interexchange services without a certificate, and that all interexchange companies that hold a certificate within the state of Florida cease providing intrastate long distance services to Complete Communications, Inc. 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 final and this docket shall be closed.

By Order of the Florida Public Service Commission, this 21st day of April, 1997.



BLANCA S. BAYÓ, Director
Director of Records and Reporting

(S E A L)

MES

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

ORDER NO. PSC-97-0443-FOF-TI
DOCKET NO. 960562-TI
PAGE 4

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 12, 1997.

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 substantially 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.