

M E M O R A N D U M

October 23, 1998

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RECEIVED
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *can CB for mcb*

RE: DOCKET NO. 980985-TI - Application for certificate to provide interexchange telecommunications service by Convergent Communications Services, Inc.

PSC-98-1438-FDE-TI

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE to be issued in the above-referenced docket. (Number of pages in order - 4)

CBW/slh
Attachment
cc: Division of Communications
I:980985.cbw

TL's. 11/1

See!

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunications
service by Convergent
Communications Services, Inc.

DOCKET NO. 980985-TI
ORDER NO. PSC-98-1438-FOF-TI
ISSUED: October 26, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS 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.

Convergent Communications Services, Inc. has applied for a certificate to provide Interexchange Telecommunications (IXC) service. Upon review of its application, it appears that Convergent Communications Services, Inc. has sufficient technical, financial, and managerial capability to provide such service, as required under Section 364.337(3), Florida Statutes. Accordingly, we hereby grant Certificate No. 5723 to Convergent Communications Services, Inc.

If this Order becomes final and effective, it shall serve as Convergent Communications Services, Inc.'s certificate. It should,

DOCUMENT NUMBER DATE

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FLORIDA PUBLIC SERVICE COMMISSION

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therefore, be retained by Convergent Communications Services, Inc. as proof of certification.

IXCs are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC's are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code. Further, pursuant to the provisions of Order No. 16804, issued November 4, 1986, IXC's may not construct facilities to bypass a local exchange company without the prior approval of this Commission.

Based on the foregoing,

ORDERED by the Florida Public Service Commission that we hereby grant to Convergent Communications Services, Inc. Certificate No. 5723, subject to the terms and conditions specified in the body of this Order. It is further

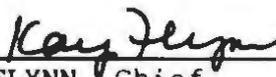
ORDERED that this Order shall serve as Convergent Communications Services, Inc.'s certificate and should be retained by Convergent Communications Services, Inc. as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 26th
day of October, 1998.



KAY FLYNN, Chief
Bureau of Records

(S E A L)

CBW

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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 November 16, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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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.