

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
Commodity Partners Inc.

DOCKET NO. 020319-TX
ORDER NO. PSC-02-1382-PAA-TX
ISSUED: October 8, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING APPLICATION TO PROVIDE ALTERNATIVE LOCAL EXCHANGE
SERVICES

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.

I. BACKGROUND

On April 8, 2002, Commodity Partners Inc. (Commodity) filed an
application to provide alternative local exchange
telecommunications service (ALEC) in Florida. The ALEC application
requires an ALEC to state whether any officer or director currently
or previously served as an officer or director of any company
certificated as a telecommunications provider. Commodity responded
that this question was not applicable to the company. During our
review it was discovered that one of the incorporators, who is also
serving as the Vice President and Secretary, was the President and
Commission Liaison for Worldlink Long Distance Corp. (Worldlink).

According to Commission records Worldlink's ALEC Certificate
was canceled by Order No. PSC-00-0636-SC-TX, issued April 5, 2000,
in Docket No. 000219-TX, In re: Initiation of Show Cause
Proceedings by Florida Public Service Commission for Apparent

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Violation of Section 364.183(1), F.S., Access to Company Records. Worldlink's IXC certificate was canceled by Order No.PSC-00-2465-PAA-TI, issued December 21, 2000, in Docket No. 001301-TI, In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5350 issued to Worldlink Long Distance Corp. for violation of Rule 25-4,0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

In April, May and July, our staff called Commodity's number listed in the application and left messages requesting a return call to discuss staff's concerns. On September 4, 2002, our staff again called the company's number and reached a recording that the number was no longer in service. That same day our staff sent a certified letter to the company liaison informing her of our staff's concerns and attempts to contact her company. Our Staff requested a response by September 16, 2002. No response was received.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

II. ANALYSIS AND DECISION

Section 364.337, Florida Statutes, requires an applicant to show that it "...has sufficient technical, financial, and managerial capability to provide such service...". Our letter of September 4, 2002, read in part:

If we do not hear from you by September 16, 2002, we will assume you no longer want to pursue certification and we will recommend that the certificate be denied, the application fee be forfeited, and the docket closed.

To date, the company has not responded. Furthermore as explained in the Case Background, it appears that the company failed to accurately complete its application for the certificate. We find the company does not have sufficient managerial capability to provide alternative local exchange telecommunications service in Florida.

Based on the foregoing, we hereby deny Commodity Partners, Inc.'s application for a certificate to provide Alternative Local Exchange Telecommunications service. Granting Commodity Partners,

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Inc.'s application is not in the public interest in accordance with Section 364.335, Florida Statutes.

It is therefore,

ORDERED by the Florida Public Service Commission that Commodity Partners, Inc.'s application to provide Alternative Local Exchange Telecommunications service is denied. It is further

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

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

By ORDER of the Florida Public Service Commission this 8th day of October, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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 that is available under Section 120.57, 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 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 29, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.