

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide
local telecommunications service by
Performance Communications Inc.

DOCKET NO. 110259-TX
ORDER NO. PSC-12-0282-PAA-TX
ISSUED: June 1, 2012

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING APPLICATION FOR CERTIFICATE
TO PROVIDE LOCAL 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.

On August 29, 2011, Performance Communications Inc. (Performance Communications) filed an application to provide local telecommunications service in Florida. During our staff's review it was discovered that Performance Communications neglected to provide the technical, financial, and managerial capability information as required by the local telecommunications service application.

Our staff attempted to contact Performance Communications on numerous occasions using the email address listed in the application, and spoke with Todd Rosenschein at the telephone number listed for him as a representative of Performance Communications in the local telecommunications service application. Mr. Rosenschein stated that he would have the company submit the required information necessary to complete its local telecommunications service application.

On May 11, 2012, our staff faxed and mailed a certified letter to Performance Communications requesting that the additional information needed to complete the local telecommunications service application be submitted by May 25, 2012. A representative of Performance Communications signed and accepted the certified letter on May 15, 2012. To date, no response was received.

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

Due to the company's failure to respond to repeated requests for information necessary to process the application, we do not believe it is the public interest to grant a certificate to the applicant.

Based on the foregoing, it is

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FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that Performance Communications Inc.'s application to provide local telecommunications service in Florida 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 Commission Clerk, 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 1st day of June, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

SMH

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 22, 2012.

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.