

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: APPLICATION OF TELECOMMUNICATIONS) DOCKET NO. 890935-TI  
 SERVICES, INC. FOR AUTHORITY TO PROVIDE ) ORDER NO. 22069  
 INTEREXCHANGE TELECOMMUNICATIONS SERVICE ) ISSUED: 10-19-89  
 )

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER GRANTING IXC CERTIFICATE

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On July 18, 1989, TELECOMMUNICATIONS SERVICES, INC., hereinafter known as "TSI", applied to this Commission for authority to operate as an interexchange telephone company within Florida.

TSI states that it will provide resold long distance telephone service from other interexchange telephone companies. TSI, allegedly, will not have any switching ability and will rely on the interexchange telephone companies they contract with to comply with all intraEAEA rules. TSI states that it is not presently providing telecommunications service in Florida or any other state.

The certificate would authorize TSI to operate as an interexchange telephone company providing long distance telecommunications service within the State of Florida. The

DOCUMENT NUMBER-DATE  
 10348 OCT 19 1989  
 FPSC-RECORDS/REPORTING

ORDER NO. 22069  
DOCKET NO. 890935-TI  
PAGE 2

authority will be statewide according to Commission statutes and rules pertaining to the services identified in the applicant's tariff.

The tariff submitted by TSI provides for usage sensitive rates with no mileage differential. The tariff provides information to customers on blockage rate, timing of calls, and billing increments. It also provides additional customer information on late payments and requirements for collecting one month's usage when the company believes a bill is in jeopardy.

To comply with Section 25-24.490(3), FAC, TSI states that they will not collect any deposits or advance payments for more than one month in advance from customers in Florida.

TSI appears to meet all applicable requirements to provide intrastate long distance telephone service in Florida. Therefore, we find it appropriate to grant TELECOMMUNICATIONS SERVICES, INC. a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company in Florida in accordance with the Tariffs filed by TSI with this Commission.

In Order Number 13750, issued on October 5, 1984, this Commission prohibited interexchange telephone companies from constructing facilities to bypass a Local Exchange Company without first demonstrating to the Commission that the LEC cannot offer the needed facilities at a competitive price in a timely manner. Therefore, we order TSI not to bypass LEC facilities without first receiving express authority from this Commission.

Based on the foregoing, it is hereby.

ORDERED that the application of TELECOMMUNICATIONS SERVICES, INC., for a certificate to operate as an interexchange telephone company providing long distance service in Florida, in accordance with it's filed Tariffs, is approved


ORDER NO. 22069  
DOCKET NO. 890935-TI  
PAGE 3

effective at the completion of the protest period, if no protest is received.

ORDERED that TELECOMMUNICATIONS SERVICES, INC., may not bypass Local Exchange Company facilities without first receiving express authority from this Commission.

ORDERED that this docket will be closed after the effective date of the proposed agency action order, and issuance of the consummating order.

By ORDER of the Florida Public Service Commission,  
this 19th day of OCTOBER, 1989.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JSR

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.

ORDER NO. 22069  
DOCKET NO. 890935-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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 9, 1989 .

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, and as reflected in a subsequent order.

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 adversely 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 sewer 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.