

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to) DOCKET NO. 910693-TI
provide interexchange telecommunications)
services by INTERNATIONAL TELECOMMUNICA-) ORDER NO. 25019
TIONS EXCHANGE CORPORATION)
ISSUED: 9/5/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-24.471, Florida Administrative Code, Application for Certificate, establish the requirements for certification as an interexchange telephone company (IXC).

On June 20, 1991, we received an application for certification from International Telecommunications Exchange Corporation (INTEX or the Company) to operate as an IXC. INTEX located at 7000 Central Parkway, Suite 1200, Atlanta, GA 30328, is a Delaware corporation, authorized to transact business in Florida. INTEX is a non-facilities based company which leases switching and transmission capacity, depending upon traffic demand. INTEX initially plans to offer resold long distance service using MCI as its underlying carrier in Florida. At present, it is certificated as an IXC in Texas and New Jersey. It has no applications pending in any other state. However, INTEX provides interstate services originating from 23 states in which no certification is required. INTEX states that it has not been denied a certificate in any state where it has filed; no regulatory penalties have ever been imposed;

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nor has it been involved in any civil court proceedings with IXC's, local exchange companies (LECs) or other telecommunications entities. The Company agrees to comply with the Commission's EAEA requirements, LEC bypass restrictions, payment of regulatory assessment fees and all other applicable Commission rules and orders.

Upon review, we find that INTEX's application has satisfied our standard filing requirements.

Rule 25-24.485, Florida Administrative Code, requires that each interexchange carrier wishing to do business in Florida maintain a tariff on file with this Commission of particular format and content. The tariff submitted by the Company is of proper format and contains all the provisions of this rule.

The Company's tariff provides for the following services:

- MTS with statewide flat rates per minute (i.e. not distance sensitive)
 - Method of access is FGA
 - Method of access is FGB
 - Method of access is FGD
 - Method of access is 800

- MTS for pay telephone service providers.

- 800 Service (toll free).

- Travel Service.
 - Method of access is 950.
 - Method of access is 800.

- Directory Assistance service is included.

INTEX's tariff is unique when compared to other IXC's operating in Florida. Normally rates for interLATA intrastate toll calls have distance sensitive rates. However, INTEX groups its customers based upon past usage patterns. The Company classifies its customers into six (6) bands by the percentage of daytime traffic which the customer generates. The higher the amount of daytime traffic a customer exhibits, the higher his or her rate will be.

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While this pricing structure is different than other IXCs, INTEX is not an AOS company and thus, is not subject to the ATT-C rate cap. Additionally, the rates INTEX has filed in its tariff do not appear to be excessively high nor do they violate any statutes, rules or orders. Thus, we find that INTEX's tariff meets our standard filing requirements.

Since the Company's application and tariff have satisfied our certification requirements, we find that the Company shall be granted a certificate of public convenience and necessity to provide IXC service in Florida.

However, as the Company has operated in Florida without certification from this Commission, this docket shall remain open pending resolution of a show cause proceeding, mandated by a separate order issued in this docket, for violation of Rule 25-24.470, Florida Administrative Code.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that INTERNATIONAL TELECOMMUNICATIONS EXCHANGE CORPORATION's interexchange carrier application meets the Commission's requirements for certification. It is further

ORDERED that INTERNATIONAL TELECOMMUNICATIONS EXCHANGE CORPORATION's proposed interexchange carrier tariff meets the Commission's requirements. It is further

ORDERED that a Certificate of Public Convenience and Necessity is hereby granted to INTERNATIONAL TELECOMMUNICATIONS EXCHANGE CORPORATION to operate as an interexchange telephone company in Florida. It is further

ORDERED that this docket shall remain open pending resolution of a show cause proceeding.

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By ORDER of the Florida Public Service Commission, this 5th
day of SEPTEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

CWM

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.

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 9/26/91.

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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 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.

MEMORANDUM

September 3, 1991

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MURPHY) *Cm* *TR*

Re: DOCKET NO. 910693-TI

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY in the above-referenced docket, which is ready to be issued.

CWM/mgf

Attachment

cc: Division of Communications

910693b.mgf

*Protests
due 9-26-91*

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