

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to) DOCKET NO. 910835-TI
 provide interexchange telecommunications) ORDER NO. 25357
 service by VNI COMMUNICATIONS, INC.) ISSUED: 11/18/91
)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE AND
ACCEPTING SETTLEMENT OFFER

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.

On June 18, 1991, the Commission received a telephone call questioning whether a company named Global Communications Network, Inc. (Global) was authorized to conduct interexchange telecommunication service in Florida. On June 27, 1991, our staff sent Global a letter and data information request. A response was requested by July 19, 1991. On August 1, 1991, the Commission received a reply from Global. In its reply, Global stated that it was a marketing arm of VNI NETWORK COMMUNICATIONS, INC. (VNI). At that time, VNI had not applied for a certificate to provide telecommunications service in Florida. On August 2, 1991, VNI filed an application for a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company (IXC). This Order addresses VNI's application for a Certificate of Public Convenience and Necessity. Global's application will be addressed in another docket. Rules 25-24.470-471, Florida Administrative Code, establish the requirements for certification as an interexchange telephone company (IXC).

VNI, located at One Paces West, 2727 Paces Ferry Road, NW. Suite 1675, Atlanta, GA. 30339, is a foreign corporation registered to transact business in Florida. At present, it is not

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certificated in any other state; however, the company states in its application that it is currently preparing applications to become certificated in 14 other states. VNI states that no regulatory penalties have ever been imposed; nor has it been involved in any civil court proceedings with IXCs, local exchange companies (LECs) or other telecommunications entities. The company also 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.

VNI is a non-facilities based company which leases switching and transmission capacity, depending upon traffic demand. VNI initially plans to offer resold long distance service in all the exchange areas of Florida. VNI'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. VNI's tariff is of proper format and contains all the provisions of this Rule.

The Company's tariff offers the following services:

- 800 Service (Toll free)

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

VNI's tariff meets our standard filing requirements.

Since we do know that Global was using VNI to conduct interexchange telecommunication business in Florida prior to June, 1991, it is appropriate for the Commission to require VNI to show cause in writing why it should not be fined for violation of Rule 25-24.470, Florida Administrative Code, for providing intrastate communication service without first obtaining a certificate of public convenience and necessity from the Commission. However, VNI has offered to pay a \$500.00 settlement for providing uncertificated service. Under the terms of the offer, the payment will be made within 30 days of the issuance of an Order approving

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the settlement. Upon consideration, we accept VNI's settlement offer.

As the Company's application and tariff have satisfied our certification requirements, and an offer has been accepted concerning a possible show cause for providing uncertificated intrastate telecommunications service, we find that VNI shall be granted a certificate of public convenience and necessity.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that VNI COMMUNICATIONS, INC.'s interexchange carrier application meets the Commission's requirements for certification. It is further

ORDERED that VNI COMMUNICATIONS INC.'s proposed interexchange carrier tariff meets the Commission's requirements. It is further

ORDERED that the Commission accepts VNI Communications, Inc.'s offer to pay a \$500.00 settlement for providing intrastate telecommunications service without first obtaining a certificate from this Commission. Under the terms of the offer, the payment shall be made within 30 days of the issuance of this Order. It is further

ORDERED that a certificate shall be granted to VNI COMMUNICATIONS, INC. to operate as an interexchange telephone company in Florida. It is further

ORDERED that this Docket shall be closed after the effective date of this proposed agency action (PAA) order, assuming no timely protest is received.

By ORDER of the Florida Public Service Commission, this 18th day of NOVEMBER, 1991.

 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)
 CWM

By Kay Hizon
 Chief, Bureau of Records

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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
12/09/91.

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 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.