

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to) DOCKET NO. 910743-TI
 provide interexchange telecommunications) ORDER NO. 25430
 service by MID-COM COMMUNICATIONS, INC.) ISSUED: 12/2/91
 _____)

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

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 2, 1991, Mid-Com Communications, Inc. (Mid-Com or the Company) filed an application for an interexchange certificate. The application contained the required background information and proposed tariff. Having considered the application, it appears that the Company is technically capable of providing service. Pursuant to Sections 364.335 and 364.337, Florida Statutes, the Commission may grant a certificate of public convenience and necessity to provide interexchange telecommunications services to a qualified person or other entity. Therefore, we find that it is in the public interest to grant a certificate to Mid-Com Communications, Inc., and it is our intention to grant the certificate. Interexchange telephone companies are subject to the provisions of Chapter 364, Florida Statutes, and Rules 25-24.455 through 25-24.495, Florida Administrative Code. Additionally, by Order No. 16804, IXCs are prohibited from constructing facilities to bypass a local exchange company without express prior approval from the Commission.

Additionally, the Company's tariff states that it will require deposits from its customers who are unable to demonstrate a satisfactory credit or payment history. Rule 25-24.490(3) provides

DOCUMENT NUMBER-DATE

11874 DEC -2 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25430
DOCKET NO. 910743-TI
PAGE 2

that an IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments. The Company has filed a bond in the amount of \$10,000.00 to cover the estimated deposits that it will collect.

Finally, the Company's tariff is unique when compared to other IXCs operating in Florida. Rates for interLATA intrastate toll calls are usually distance sensitive; however, Mid-Com's rates are not distance sensitive. Also, Mid-Com does not have discounted time of day rates. Although this pricing structure differs from other IXCs, the Company will not provide alternative operator services and is not subject to the ATT-C rate cap. The rates Mid-Com has filed do not appear to be excessively high.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Mid-Com Communications, Inc. for a certificate to provide intrastate interexchange telecommunications service is granted as set forth in the body of this Order. It is further

ORDERED that the effective date of the certificate shall be the date specified below, if there is no protest to the proposed agency action within the time frame set forth below. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirements set forth below.

By ORDER of the Florida Public Service Commission, this 2nd
day of DECEMBER, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

ORDER NO. 25430
DOCKET NO. 910743-TI
PAGE 3

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
12/23/91.

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 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.