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FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850
FSSC-Records/Reporting

MEMORANDUM

January 8, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (FRUITT) TP 66
DIVISION OF LEGAL SERVICES (PENA) VJ MCB

RE: DOCKET NO. [REDACTED] APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY CITY
OF TALLAHASSEE

AGENDA: 01/20/98 REGULAR AGENDA -PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/971261.RCM

CASE BACKGROUND

On September 30, 1997, the City of Tallahassee (City) filed an application to provide interexchange telecommunications service (IXC) in Florida. The staff of the Division of Communications contacted various City staff members on October 17, 22, 24, November 19, December 1, 23, and 30, 1997, and either spoke with the employees or left messages for them requesting the completion of the application and submission of a tariff. On December 11, 1997, staff sent a certified letter (Attachment A) to Mr. Gary Brinkworth, Manager of Utility Business and Customer Service for the City, requesting a tariff and a completed page 12 of the application by December 22. Mr. Brinkworth is listed in the City's application as the liaison to the Commission regarding the application and tariff. The City did not respond to the certified letter.

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FILED IN 100-100-100

DOCKET NO. 971261-TI
DATE: January 8, 1998

In this recommendation staff addresses the City's failure to provide this Commission with the information required for certification as an interexchange telecommunications service company.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission deny the City of Tallahassee's application for a certificate to provide interexchange telecommunications service in Florida?

RECOMMENDATION: Yes. The City of Tallahassee has not provided the Commission with a completed IXC application. The application should therefore be denied, without prejudice to file a new application that fully complies with Commission rules. **(FRUITT)**

STAFF ANALYSIS: Rule 25-24.471, Florida Administrative Code, Application for Certificate, states in part:

- (1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMU 31 (12/96), which is incorporated into this rule by reference.

Commission staff provided the City an IXC application packet which contained the application form, an example tariff, a check list for IXC tariffs, an IXC information brochure, IXC Rules, and telecommunications tax information from the Florida Department of Revenue.

Item 19 on page 8 of the application states, "Please submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed)." As of this date the City has not provided the Commission with a copy of its tariff.

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Therefore, since the City has failed to comply with the requirements of Rules 25-24.471 and 25-24.485, and has not responded to repeated requests for information, staff recommends that the Commission deny the application of the City of Tallahassee for a certificate to provide interexchange telecommunications service in Florida. The denial would be without prejudice to file a new application that fully complies with the Commission's certification rules.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. **(PENA)**

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then the City of Tallahassee will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed.

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

December 11, 1997

CERTIFIED

Mr. Gary S. Brinkworth, P.E.
Manager, Utility Business & Customer Service
City of Tallahassee
300 South Adams Street
Tallahassee, FL 32301-1731

Dear Mr. Brinkworth:

This is in response to the City of Tallahassee's application for a certificate to provide interexchange telecommunications service in Florida. Since October 17, I have been requesting that the City submit a copy of its tariff and a new page 12 of the application concerning deposits. As of this date I have received nothing from the City.

Subsection 364.335(1)(b), Florida Statutes, requires that each applicant for a certificate:

File with the commission schedules showing all rates for service of every kind furnished by it and all rules and contracts relating to such service.

I have not been able to file a recommendation for the City of Tallahassee to receive a certificate for interexchange telecommunications service. The recommendation was originally due December 4. I requested an extension to January 8, 1998, however, I must have the tariff by December 22 for a proper review and to have time to contact the appropriate person from the City to make any needed corrections.

Page 12 of the application, concerning deposits and advanced payments, was signed by Mr. J. Sam Bell, however, the City did not respond to the request for information by checking one of the boxes on the page. Should the City decide to collect deposits for long distance service, you will need to file the original copy of a bond with the Commission's Division of Records and Reporting.

Gary Brinkworth
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It is not staff's intention to file a request for an additional extension of time. Please have the appropriate person contact me at 413-6127 if he has any questions or problems with the tariff or application revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Pruitt", with a stylized flourish at the end.

Nancy Pruitt
Research Assistant
Bureau of Service Evaluation

Record #3472