



Public Service Commission

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RECORDS AND REPORTING

DATE: JANUARY 20, 2000

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

FROM: DIVISION OF COMMUNICATIONS (T.WILLIAMS) *RT*
DIVISION OF LEGAL SERVICES (STERN) *MKS BK*

RE: DOCKET NO. 991565-TI; REQUEST FOR CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5743 BY PREMIO, INC., EFFECTIVE 10/5/99.

AGENDA: 02/01/00 - REGULAR AGENDA - PROCEDURE MATTER - PARTICIPATION LIMITED TO COMMISSIONERS AND STAFF.

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991565.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for cancellation by Premio, Inc. on October 5, 1999, with the Commission approving the cancellation in Order No. PSC-99-2253-PAA-TI, issued November 18, 1999.

However, on December 17, 1999, staff was notified by the Division of Records and Reporting that on August 27, 1999, Docket No. 991227-TI was opened requesting cancellation of the same certificate. Further, PAA Order PSC-99-2053-PAA-TI was issued on October 20, 1999 and Consummating Order No. PSC-99-2239-CO-TI, was issued on 11/12/99 (Attachment A) canceling Premio, Inc.'s certificate effective August 15, 1999.

Since the certificate has already been canceled, staff is requesting that Order No. PSC-99-2253-PAA-TI, issued November 18, 1999 (Attachment B), be vacated and the docket be closed.

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DOCKET NO. 991565-TI
DATE: January 20, 2000

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-99-2253-PAA-TI, issued November 18, 1999, in Docket No. 991565-TI be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the cancellation of Premio, Inc. Certificate No. 5743 had already taken place in Order No. PSC-99-2239-CO-TI, issued November 12, 1999, Order No. PSC-99-2253-PAA-TI, issued November 18, 1999, should be vacated and Docket No. 991565-TI should be closed.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of the Commission's vacating order.

STAFF ANALYSIS: This docket should be closed when the Commission's order is issued vacating its approval of the cancellation.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Interexchange
Telecommunications Certificate
No. 5743 by PREMIO Inc.,
effective 8/15/99.

DOCKET NO. 991227-TI
ORDER NO. PSC-99-2239-CO-TI
ISSUED: November 12, 1999

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-99-2053-PAA-TI, issued October 20, 1999, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-99-2053-PAA-TI has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 12th day of November, 1999.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

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ATTACHMENT A

ORDER NO. PSC-99-2239-CO-TI
DOCKET NO. 991227-TI
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any judicial review of Commission orders that is available pursuant to Section 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 judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Interexchange
Telecommunications Certificate
No. 5743 by PREMIO Inc.,
effective 10/5/99.

DOCKET NO. 991565-TI
ORDER NO. PSC-99-2253-PAA-TI
ISSUED: November 18, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING INTEREXCHANGE
TELECOMMUNICATIONS 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 a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

PREMIO Inc. (PREMIO), holder of Interexchange
Telecommunications Certificate (IXC) of Public Convenience and
Necessity No. 5743, has requested the cancellation of IXC
Certificate No. 5743. PREMIO has complied with the provisions of
Rule 25-24.474(2), Florida Administrative Code, by providing
adequate notice in writing of its request for cancellation of its
IXC certificate and by submitting its regulatory assessment fees
for 1998. Accordingly, we find it appropriate to cancel IXC
Certificate No. 5743, effective October 5, 1999.

PREMIO shall return its certificate to this Commission. In
addition, under Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual Regulatory Assessment Fee of \$50
if the certificate was active during any portion of the calendar

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ATTACHMENT B

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year. A RAFs Return notice for 1999 will be mailed to PREMIO. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for 1999 shall relieve PREMIO from its obligation to pay RAFs for 1999.

Based on the foregoing, it is

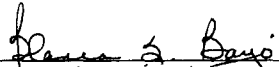
ORDERED by the Florida Public Service Commission that PREMIO Inc.'s Certificate No. 5743 to provide Interexchange Telecommunications services is hereby canceled. It is further

ORDERED that PREMIO Inc. shall return its certificate to this Commission and remit Regulatory Assessment Fees for 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 18th day of November, 1999.



BLANCA S. BAYO, Director
Division of Records and Reporting

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DOCKET NO. 991565-TI
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 9, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating 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.