

State of Florida



Public Service Commission  
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TALLAHASSEE, FLORIDA 32399-0850

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**DATE:** JUNE 27, 2002

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (PRUITT) *Y* *PAE*  
OFFICE OF THE GENERAL COUNSEL (ELLIOTT) *JAE* *PAE*

**RE:** DOCKET NO. 011652-TI - APPLICATION FOR CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY ENVISAGE, INC. D/B/A ENVISAGE TEXAS, INC.

**AGENDA:** 07/09/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\011652.RCM

CASE BACKGROUND

On December 17, 2001, Envisage, Inc. d/b/a Envisage Texas, Inc. (Envisage) filed an application to provide interexchange telecommunications service (IXC) in Florida. After reviewing the application staff called the President of Envisage and informed him that the company's tariff, a part of the application, did not meet the requirements of Rule 25-24.485, Florida Administrative Code, Tariffs. Staff was informed that the writer of the tariff would return the call for a review of the necessary changes.

On March 6, 2002, the tariff liaison for Envisage contacted staff for a review of the tariff requirements. On May 7, 2002, staff called the tariff liaison and left a message that the application process could not proceed without a tariff. On May 8, 2002, staff called Envisage's President but there was no answer and no method available to leave a message. Staff also tried to send a fax but the company's machine did not pick-up. Staff then sent

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an internet e-mail to the address listed in the application. There was no reply. On June 12, 2002, staff called Envisage's President and got a recording that the number was no longer in service. On the same day staff sent a certified letter to the President requesting the tariff corrections and informing him of staff's attempts to contact his company. Staff requested a response by June 26, 2002. No response was received.

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Envisage, Inc. d/b/a Envisage Texas, Inc. a certificate to provide interexchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes?

**RECOMMENDATION:** No. Envisage, Inc. d/b/a Envisage Texas, Inc. should not be granted an interexchange telecommunications service certificate to operate in Florida. **(Pruitt)**

**STAFF ANALYSIS:** Section 364.337, Florida Statutes, requires an applicant to show that it "...has sufficient technical, financial, and managerial capability to provide such service...". Staff's certified letter of June 12, 2002, read in part:

If we do not hear from you by June 26, 2002, we will assume that you no longer want to pursue certification and we will recommend that the certificate be denied, the application fee be forfeited, and the docket be closed.

To date the company has not responded. Furthermore as explained in the Case Background, it appears that Envisage failed to accurately complete its application for the certificate. Staff does not believe that the company has sufficient managerial capability to provide interexchange telecommunications service in Florida.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, this docket should be closed upon the issuance of a consummating order unless a person whose substantial interests are affected by the Commission's proposed agency action files a written protest within 21 days of the issuance date of the proposed agency action. **(Elliott)**

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the order, this docket should be closed upon the issuance of the consummating order.