

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunications
service by Hosting-Network, Inc.

DOCKET NO. 021247-TI

In re: Application for
certificate to provide
interexchange telecommunications
service by IntelOne
Communications, Inc.

DOCKET NO. 021149-TI
ORDER NO. PSC-03-1022-FOF-TI
ISSUED: September 15, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

FINAL ORDER DENYING APPLICATIONS FOR CERTIFICATION
TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS
SERVICE AND CLOSING DOCKETS

BY THE COMMISSION:

I. CASE BACKGROUND

In 2002 IntelOne Communications, Inc. (IntelOne) and
Hosting-Network, Inc. submitted incomplete or inaccurate
Applications for Certification to Provide Interexchange
Telecommunications Service (IXC) within the State of Florida. Each
company was sent a certified letter requesting completion and/or
correction of their respective application.

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On November 14, 2002, IntelOne filed an Application for
Certification to Provide Interexchange Telecommunications Service

DOCUMENT NUMBER-DATE

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in Florida. IntelOne is a corporation organized and formed under the laws of the State of Delaware. A review of the application revealed that the company's filing at the Florida Department of State, Division of Corporations, was inactive, and IntelOne was not qualified to transact business in Florida.

Our staff also discovered that the President of IntelOne was listed in this Commission's Master Directory as the President and Chief Executive Officer of another company, Lyxom, Inc. That company's IXC and CLEC certificates were canceled for nonpayment of regulatory assessment fees.

On November 15, 2002, January 9, 2003, and March 18, 2003, our staff spoke with the company's consultant in Winter Park, Florida, concerning the application. On April 7, 2003, our staff called the consultant and was informed that his e-mails and calls to the company were not returned.

On April 7 and 15, 2003, our staff called the company and each time reached a recording that the number was temporarily disconnected.

On April 15, 2003, our staff sent a certified letter to the company president informing him of our staff's concerns and attempts to contact him. A response was requested by April 25, 2003. The signed verification card for the delivered certified letter was returned by the Post Office.

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In November 2002, Hosting-Network, Inc. was notified by certified letter that it was providing interexchange telecommunications service within Florida without appropriate authorization. On December 16, 2002, the company filed an Application to Provide Interexchange Telecommunications Service in Florida. A review of the application revealed that the company had neglected to mention that it was currently providing service for prepaid debit cards and had made many errors in its proposed tariff, including neglecting to provide rates for the prepaid debit cards.

On January 28, 2003, our staff called the number listed on the application and left a message for the listed company liaison that corrections were needed. On February 3, 2003, our staff called again and was told the liaison was out of the country. On March 24, 2003, our staff called the number listed on the application and reached a recording that this was Edison Telephone and to call an 800 number. That same day our staff sent an e-mail to the liaison requesting a working number and stating that the application could not be processed until corrections were made.

On March 26, 2003, our staff called the 800 number for Edison Telephone and reached the company liaison. Since he did not have the application at hand, he agreed to call the Commission at 10AM the next day. He indicated that he had received our staff's e-mail but was too busy to respond.

On March 27, 2003, the company liaison did not call. At 11AM our staff sent an e-mail asking when a return call to review the deficiencies in the application and tariff could be expected.

On April 15, 2003, a certified letter was sent to the company liaison informing him of our staff's concerns and attempts to contact him. The Post Office made three attempts (April 17, April 26, and May 2) to deliver the letter. It was returned to the Commission stamped "UNCLAIMED."

On April 29, 2003, a second certified letter was sent to the company concerning uncertificated activity. That letter was returned to the Commission stamped "REFUSED."

Currently, the company holds competitive local exchange (CLEC) Certificate No. 7840. In addition, the CLEC's regulatory assessment fee for 2002 has not been paid.

On May 23, 2003, the Tele-Competition Innovation and Infrastructure Enhancement Act (Act) took effect. IXCs are no longer subject to Section 364.337(3), Florida Statutes, pertaining to certification.

The Commission is vested with jurisdiction in this matter pursuant to Section 364.02, Florida Statutes.

II. DECISION

The companies in Docket No. 021149-TI and Docket No. 021247-TI were informed that our staff would recommend that their applications be denied if the requested information was not provided. We do not believe it would be appropriate at this time to register the two companies in accordance with the new Act since the companies have not provided the information required for registration.

Based on the foregoing, we hereby deny IntelOne and Hosting-Network, Inc.'s Applications for Certification to Provide Interexchange Telecommunications Service. Docket No. 021149-TI and Docket No. 021247-TI shall be closed with no action taken and without prejudice to submit the required information and register pursuant to the Tele-Competition Innovation and Infrastructure Enhancement Act.

It is therefore,

ORDERED by the Florida Public Service Commission that we hereby deny IntelOne Communications, Inc.'s Application for Certification to Provide Interexchange Telecommunications Service. It is further

ORDERED that we hereby deny Hosting-Network, Inc.'s Application for Certification to Provide Interexchange Telecommunications Service. It is further

ORDERED that this docket is closed.

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By ORDER of the Florida Public Service Commission this 15th
Day of September, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 6, 2003.

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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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.