

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide competitive local exchange telecommunications service by Southern TeleCommunications Services Inc d/b/a Amway Communication.

DOCKET NO. 041149-TX
ORDER NO. PSC-05-0244-FOF-TX
ISSUED: March 2, 2005

ORDER DENYING APPLICATION FOR CERTIFICATION
TO PROVIDE COMPETITIVE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES

BY THE COMMISSION:

I. Case Background

On September 29, 2004, this Commission received an application from Southern TeleCommunications Services Inc. d/b/a Amway Communication (Amway Communication) to provide competitive local exchange telecommunications (CLEC) services in Florida. A letter dated October 21, 2004, was sent to the owner of Amway Communication, Mr. Gontrand Delmas, notifying him that his check for two hundred fifty dollars (\$250.00), dated September 23, 2004, had been dishonored for insufficient funds. Pursuant to Section 215.34, Florida Statutes, Mr. Delmas had thirty days from receipt of our staff's October 21st letter to tender payment for the full amount dishonored, plus a service charge of fifteen dollars (\$15.00). The deadline for the company to submit the payment, plus the service charge was November 20, 2004, however it was never received.

By letter dated November 30, 2004, our staff notified Mr. Delmas that, upon reviewing his application, it determined that Amway Communication's registration was inactive with the Florida Department of State (DOS) and that Amway Communication was not registered as a fictitious name with DOS. Mr. Delmas had been informed prior to this letter that these names had to be registered with DOS. Also in this letter, the company was given until December 21, 2004, to register the company names with DOS and submit the \$250.00 payment, plus the \$15.00 service charge. Furthermore, the company was informed that by not responding by December 21st, the certificate would be denied and the docket closed.

II. Decision

Upon consideration, this Commission finds Southern TeleCommunications Services Inc. d/b/a Amway Communication's application to be incomplete due to the company's failure to register the company names with the Florida Department of State and its failure to submit payment for the application fee, plus a \$15.00 service charge. As of the date of the Memorandum filed in this docket on January 18, 2005, the company has failed to respond to our requests.

DOCUMENT NUMBER-DAT

02176 MAR-2 05

FPSC-COMMISSION CLERK


We hereby deny Southern TeleCommunications Services Inc. d/b/a Amway Communication's application to provide CLEC services in the state of Florida. This docket shall be closed with no action taken and without prejudice to reapply upon registration of the company names with the Florida Department of State and payment of the application fee, plus a \$15.00 service charge.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny Southern TeleCommunications Services Inc. d/b/a Amway Communication's application to provide competitive local exchange telecommunications services. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 2nd day of March, 2005.


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

(SEAL)

KS

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 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.

Any party adversely affected by the Commission's final action in this matter may request:
1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the

ORDER NO. PSC-05-0244-FOF-TX
DOCKET NO. 041149-TX
PAGE 3

form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 the Commission Clerk and Administrative Services 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.