

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of FLAT RATE)	DOCKET NO. 900523-TI
COMMUNICATIONS OF FLORIDA, INC. for a)	
certificate of public convenience and)	ORDER NO. 24198
necessity authorizing operation as an)	
interexchange telephone company)	ISSUED: 3-5-91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING 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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-24.471, Application for Certificate, establish the requirements for certification as an interexchange telephone company (IXC).

On June 4, 1990, Flat Rate Communications of Florida, Inc. (Flat Rate or the Company) filed an application for a certificate of public convenience and necessity to operate as an IXC. The application did not contain all necessary tariff information, prompting our Staff to request additional information from the Company on several occasions. The Company did not respond to these requests and the latest attempts to contact the owner have been unsuccessful.

Under Rule 25-24.471, it is the obligation of the applicant to fully satisfy all requirements of certification. We find that Flat Rate's application is incomplete and that the applicant has refused to meet its obligations under our rules. Therefore, we find that it is not in the public interest to grant a certificate to the Company.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Flat Rate Communications of Florida, Inc. for a certificate to provide intrastate interexchange telecommunications service is hereby denied. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirement set forth below.

By ORDER of the Florida Public Service Commission, this
5th day of March, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

by: Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-

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22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 26, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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 of the effective date 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.