

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide interexchange telecommunications services by AMERICAN AUTOMATED TELEPHONE, LTD.)	DOCKET NO. 910577-TI
)	
In re: Initiation of show cause proceedings against NETWORK ADMINISTRATIVE SERVICE CORPORATION for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required))	DOCKET NO. 910664-TI
)	ORDER NO. 25354
)	ISSUED: 11/15/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE AND ACCEPTING SETTLEMENT OFFER

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Because of inquiries and a perceived lack of response to Commission staff information requests, a docket was opened for the purpose of initiating a show cause proceeding against Network Administrative Services, Inc. (Network) (Docket No. 910664-TI). Network is a general partner in American Automated Telephone, LTD. (American) (Docket No. 910577-TI). American has applied for a certificate to operate as an interexchange telephone company in Florida. The relationship between the two entities was not known by the Commission at the time the Network show cause docket was opened. Because of the association between the dockets both will be addressed in this Order.

On May 3, 1991, American filed an application for a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company (IXC). Rules 25-24.470-471, Florida Administrative Code, establish the requirements for

DOCUMENT NUMBER-DATE

11341 NOV 15 1991

FPSC-RECORDS/REPORTING

ORDER NO. 25354
 DOCKETS NOS. 910577-TI & 910664-TI
 PAGE 2

certification as an interexchange telephone company (IXC). American, located at 9400 North Central Expressway, Suite 1616, Dallas, TX 75231, is a limited partnership organized under the laws of Texas and registered with the Florida Department of State to transact business in Florida. At present, it is certificated as an IXC in Colorado, District of Columbia, Pennsylvania, Utah and Virginia. It has no applications pending in any other state. American states that it has not been denied a certificate in any state where filed; no regulatory penalties have ever been imposed; nor has it been involved in any civil court proceedings with IXCs, local exchange companies (LECs) or other telecommunications entities. The company agrees to comply with the Commission's EAEA requirements, LEC bypass restrictions, payment of regulatory assessment fees and all other applicable Commission rules and orders.

American is a non-facilities based company which leases switching and transmission capacity, depending upon traffic demand. It initially plans to offer resold long distance service in all the exchange areas of Florida. The company's application has satisfied our standard filing requirements.

Rule 25-24.485, Florida Administrative Code, requires that each interexchange carrier wishing to do business in Florida maintain a tariff on file with this Commission of particular format and content. American's tariff is of proper format and contains all the provisions of this Rule.

The Company's tariff offers the following services:

- MTS with statewide flat rates per minute (i.e. not distance sensitive)
 - Method of access is FGA
 - Method of access is FGB
 - Method of access is FGD
 - Method of access is 800

- WATS type service (Bulk or volume discount)
 - Method of access is via dedicated facilities
 - Method of access is via switched facilities

ORDER NO. 25354
DOCKETS NOS. 910577-TI & 910664-TI
PAGE 3

X Travel Service
 Method of access is 950
 X Method of access is 800

American's tariff meets our standard filing requirements.

As the company's application and tariff have satisfied our certification requirements, we find that it is appropriate to grant American a certificate of public convenience and necessity.

Because of inquiries from the Florida Department of Agriculture & Consumer Affairs, regarding Network, our Division of Consumer Affairs learned on April 8, 1991, that Network was conducting telecommunications business in Florida without the proper authorization. On May 3, 1991, American filed an application for a certificate, wherein it acknowledged that Network had provided SDN facilities to accounts since January of 1991.

As we know that Network was conducting business in Florida from January of 1991, we find that it would be appropriate for the Commission to require Network to show cause in writing why it should not be fined for violation of Rule 25-24.470, Florida Administrative Code, for providing intrastate communication service without first obtaining a certificate of public convenience and necessity from the Commission.

However, Network has submitted a settlement offer of \$500.00 for violation of Rule 25-24.470, Florida Administrative Code. Upon review, we accept network's offer. Such payment shall be received by the Commission within 30 days of the issuance of this Order.

Based upon the foregoing it is

ORDERED by the Florida Public Service Commission that AMERICAN AUTOMATED TELEPHONE, LTD.'s interexchange carrier application meets the Commission's requirements for certification. It is further

ORDERED that AMERICAN AUTOMATED TELEPHONE, LTD.'s proposed interexchange carrier tariff meets the Commission's requirements. It is further

ORDERED that a certificate shall be granted to AMERICAN AUTOMATED TELEPHONE, LTD. to operate as an interexchange telephone company in Florida. It is further

ORDER NO. 25354
DOCKETS NOS. 910577-TI & 910664-TI
PAGE 4

ORDERED that the Commission accepts NETWORK ADMINISTRATIVE SERVICE CORPORATION's offer to pay a \$500.00 fine in lieu of a show cause proceeding for violation of Rule 25-24.470, Florida Administrative Code, for providing intrastate communications without first obtaining a certificate of public convenience and necessity from the Commission. This payment shall be received within 30 days of the issuance of this Order. It is further

ORDERED that Docket No. 910577-TI shall be closed at the end of the PAA protest period, assuming no timely protest is received. It is further

ORDERED that Docket No. 910664 shall be closed at the end of the PAA protest period assuming no timely protest is received. It is further

ORDERED that a protest in one docket shall not prevent the closing of another unprotested docket.

By ORDER of the Florida Public Service Commission, this 15th day of NOVEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Jeyan
Chief, Bureau of Records

CWM

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

ORDER NO. 25354
DOCKETS NOS. 910577-TI & 910664-TI
PAGE 5

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 25-22.029, 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 12/6/91.

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 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 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.