



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

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DATE: JULY 23, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAFO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Pji*  
 DIVISION OF LEGAL SERVICES (PEÑA) *emp MB*  
 DIVISION OF AUDITING AND FINANCIAL ANALYSIS (DRAPER) *DD 198*

RE: DOCKET NO. 980259-TI - APPLICATION FOR CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY ORBINET INC.

AGENDA: 08/04/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980259.RCM

### CASE BACKGROUND

On February 18, 1998, ORBINET Inc.'s application to provide interexchange telecommunications service was received. Staff has contacted the company numerous times for its financial statements. However, as of this date, the company has not complied with staff's requests.

This is staff's recommendation regarding ORBINET's application to provide interexchange telecommunications service in Florida.

DISCUSSION OF ISSUES

ISSUE 1: Should a certificate be granted to ORBINET Inc. to provide interexchange telecommunications service within the state of Florida?

RECOMMENDATION: No. The Commission should deny the company's application to become certificated in Florida as an interexchange telecommunications carrier. (Isler)

STAFF ANALYSIS: Chapter 364.337(1), Florida Statutes, provides that the commission shall grant a certificate of authority to provide interexchange telecommunications services upon a showing that the applicant has sufficient technical, financial, and managerial capability.

The Division of Auditing and Financial Analysis has contacted ORBINET numerous times since February 25, 1998, requesting its financial statements. In addition, ORBINET's consultant advised staff that it had been unable to get the company to respond to its inquiries. As of this date, staff has not received the financial information; therefore, staff is unable to determine if the applicant meets the financial capability standard of Section 364.337, Florida Statutes.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. (Peña)

STAFF ANALYSIS: This docket should be closed if no person, whose interests are substantially affected by the proposed action, files a protest within the 21 day protest period.