



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: APRIL 22, 1999

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

FROM: DIVISION OF COMMUNICATIONS (PRUITT) *np*
DIVISION OF LEGAL SERVICES (MCKINNEY) *Jim CB*
DIVISION OF AUDITING & FINANCE (LESTER)

RE: DOCKET NO. 981091-TI - APPLICATION FOR CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY PREMIERCOM, INC. D/B/A PCI TELECOMMUNICATIONS, INC.

AGENDA: 05/04/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981091.RCM

CASE BACKGROUND

On September 1, 1998, PremierCom, Inc. (PCI) filed an application to provide interexchange telecommunications service in Florida. On September 25, 1998, Premiere Communications, Inc. (Premiere) filed a Motion to Intervene and Oppose Application. Premiere contended that the trade name PremierCom, Inc. was a confusingly similar trade name and would cause Premiere the loss of customer goodwill and control over its corporate reputation and identity.

On October 2, 1998, PCI responded and opposed Premiere's motion to intervene. On October 9, 1998, PCI's registration with the Secretary of State to do business in Florida as PCI Telecommunications, Inc. was approved. On March 1, 1999, Order No. PSC-99-0417-PCO-TI denied Premiere's Motion to Intervene and Oppose Application stating that Premiere had not established standing and

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that the fictitious name of PCI Telecommunications, Inc. was not similar enough to cause confusion for Florida consumers and that allegations of harm to goodwill and control over its corporate reputation and identity were speculative at best. This recommendation addresses PCI's application for a certificate.

ISSUE 1: Should PremierCom, Inc. d/b/a PCI Telecommunications, Inc. be granted a certificate to provide interexchange telecommunications service in Florida?

RECOMMENDATION: Yes, the company should be granted **Certificate No. 7011. (PRUITT)**

STAFF ANALYSIS: Based on the company's application and the analysis by the Division of Auditing and Financial Analysis, it appears the company has sufficient technical, financial and managerial capability to provide such service as required under Section 364.337(3), Florida Statutes. Therefore, staff recommends that the application for a certificate to provide interexchange telecommunications service in Florida should be granted.

DOCKET NO. 981091-TI
DATE: May 4, 1999

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. With the Commission's approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, this docket should be closed. (MCKINNEY)

STAFF ANALYSIS: With the Commission's approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, this docket should be closed.