

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
Certificate to Provide
Interexchange Telecommunication
Service by Gaecom
Telecommunications, LLC.

DOCKET NO. 020326-TI
ORDER NO. PSC-03-0321-PAA-TI
ISSUED: March 6, 2003

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICES

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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

On April 11, 2002, Gaecom Telecommunication, LLC. (Gaecom) submitted an application for a Certificate of Public Convenience and Necessity to the Florida Public Service Commission. Docket No. 020326-TI was opened to process the application.

A review of the application revealed that the required financial information was missing and the tariff was incomplete.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Commission staff phoned Ms. Lisette Winans and left a message for her to call. She did not respond, but our staff did speak with Mr. Ken Jacobi, attorney for the company, regarding the missing financial information and the incomplete tariff. Mr. Jacobi submitted a letter dated June 4, 2002 along with the corrected tariff, but no financial information. On July 8, staff contacted Mr. Jacobi and he advised staff that since the company was new, there was no financial information available.

Commission staff informed Mr. Jacobi that a projected profit and loss statement, credit references, or credit bureau reports would suffice. Staff followed up with phone calls and a letter dated August 2, 2002. Staff spoke with Mr. Jacobi on September 5, 2002 and was informed the information had been sent. Staff informed Mr. Jacobi that the PSC had not received it. Mr. Jacobi said he would re-send the information. Each time staff spoke with Mr. Jacobi, he indicated that the information would be submitted soon. On November 14, 2002, staff e-mailed Mr. Don Johnston of The Regum Group, and was informed that Mr. Jacobi was no longer with the firm. Mr. Johnston said he would research staff's request for the financial information. On January 18, 2003, staff received an e-mail from Mr. Johnston stating that he could not locate the information and was no longer interested in pursuing the matter.

On January 28, 2003, our staff sent a certified letter to Mr. Gaetan Chapoteau, president of Gaecom, indicating that if the information was not received by February 3, 2003, staff would recommend that the company's application be denied. On February 3, 2003, staff received the return receipt card with Mr. Chapoteau's signature. To date, however, staff has not received the requested information.

Although contact with representatives of The Regum Group has been constant, our staff has been unable to obtain the required information in order to process the company's application.

The Commission is vested with jurisdiction in this matter pursuant to sections 364.335 and 364.337, Florida Statutes and Rule 25-24.470, Certificate of Public Convenience and Necessity Required, Florida Administrative Code.

DISCUSSION

Section 364.337(3), Florida Statutes, provides that:

The commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

Gaecom submitted its application to provide IXC telecommunications services on April 11, 2002. In its application, Gaecom failed to provide the sufficient technical, financial, and managerial information to show that Gaecom is capable of providing such service in Florida. As shown in the Case Background, our staff was in constant contact with the company, and has yet to receive the information necessary to authorize the granting of an IXC certificate.

Based upon the facts as set forth herein, we believe it is appropriate to deny Gaecom's application to provide interexchange telecommunications services within the State of Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request of Gaecom Telecommunication, LLC for a certificate to provide interexchange telecommunications service in Florida is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of March, 2003.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

BRT

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 27, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.