

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for)
Certificates to Provide)
Interexchange Telecommunications)
Services.)
PROTEL TELECOMMUNICATIONS CORP.) DOCKET NO. 931013-TI
)
) ORDER NO. PSC-94-0359-FOF-TI
) ISSUED: March 29, 1994

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING A 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 in accordance with Rule 25-22.029, Florida Administrative Code.

On October 21, 1993, Protel Telecommunications Corporation (Protel) filed an application for certificate of public convenience and necessity to provide interexchange telecommunications services. Protel's application was incomplete. Commission staff has attempted to contact Protel numerous times since November 16, 1993 but has been unsuccessful. Protel has had ample time to respond to staff inquiries but has not done so, in violation of Rules 25-24.480(1)(a) and 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

Rule 25-24.471(3), Florida Administrative Code, Application for Certificate, states the Commission will grant a certificate if doing so is in the public interest. Because of Protel's failure to cooperate with staff and comply with Commission rules, this

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Commission finds it is not in the public interest to grant Protel a certificate to provide interexchange telecommunications services. Accordingly, we, pursuant to Rule 25-24.471(3), Florida Administrative Code, deny Protel's application for a certificate to provide interexchange telecommunications services.

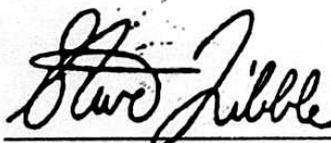
This docket will be closed following the expiration of the period specified in the Notice of Further Proceedings or Judicial Review section of this Order unless an appropriate petition, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided in Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that we hereby deny to Protel Telecommunications Corporation, a certificate to provide interexchange telecommunications services. It is further

ORDERED that, unless a person whose interests are adversely affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of March, 1994.



STEVE TRIBBLE, Acting Director
Division of Records and Reporting

(S E A L)

LMB

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 25-22.029, 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 April 19, 1994.

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.