

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4393 issued to
US South Communications, Inc.
d/b/a US South and d/b/a INCOMM
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 970980-TI
ORDER NO. PSC-98-0248-FOF-TI
ISSUED: February 6, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER REINSTATING INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE NO. 4393

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.

On September 25, 1997, this Commission issued Order No. PSC-
97-1121-FOF-TI. This Order imposed a fine of \$500 to US South
Communications, Inc. d/b/a US South and d/b/a INCOMM (INCOMM), for
violation of Rule 25-4.0161, Florida Administrative Code, and
required payment of the fine and the regulatory assessment fees,
including statutory penalties and interest charges, within five
days from the date the Order became final. The Order further
stated that failure to comply would result in the cancellation of
INCOMM's Interexchange Telecommunications (IXC) Certificate No.

DOCUMENT NUMBER-DATE

01947 FEB-68

FPSC-RECORDS/REPORTING

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4393 and instructed all certificated Interexchange Telecommunications providers to discontinue service to INCOMM upon the cancellation of INCOMM's certificate.

On October 7, 1997, this Commission received payment of the delinquent regulatory assessment fees, along with statutory penalties and interest charges. The fine, however, was not remitted by the close of business of October 16, 1997. Accordingly, INCOMM's certificate was canceled, effective October 17, 1997. On December 3, 1997, INCOMM contacted our staff to inquire about the cancellation of their certificate and was informed of its failure to fully comply with the Order. INCOMM submitted the \$500 fine on December 19, 1997. On December 23, 1997, INCOMM requested an emergency reinstatement of its certificate. On December 29, 1997, this docket was re-opened to process INCOMM's request.

Although INCOMM did not fully comply with Order No. PSC-97-1121-FOF-TI before its certificate was canceled, we believe that INCOMM has demonstrated the intent to operate in conformance with the Commission's Rules and Orders by remitting the delinquent regulatory assessment fees, along with statutory penalties and interest charges, and the \$500 fine. Accordingly, we hereby approve the reinstatement of INCOMM's IXC Certificate No. 4393.

Based on the foregoing, it is

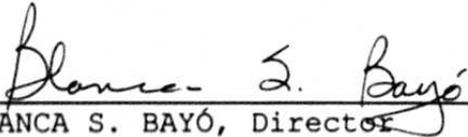
ORDERED by the Florida Public Service Commission that the request for reinstatement of US South Communications, Inc. d/b/a US South and d/b/a INCOMM's Interexchange Telecommunications Certificate No. 4393 is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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

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By ORDER of the Florida Public Service Commission this 6th
day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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 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.

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.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 27, 1998.

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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 substantially 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.