

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of National Communi-)	DOCKET No. 891343-TI
cations, Inc. (NCN) for authority to)	
provide interexchange telecommunications)	ORDER NO. 22558
service.)	
<hr/>		ISSUED: 2-15-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING APPLICATION FOR CERTIFICATE

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

On June 16, 1989, while investigating an inquiry from a resident of Florida, Commission Staff received information indicating that National Communications Network, Inc., (NCN), was reselling interexchange telephone service within the State of Florida.

On May 18, 1989, Commission Staff mailed NCN a data request to which they responded on July 31, 1989. After reviewing the information provided, Commission Staff informed NCN, on August 28, 1989, that in view of its activities, it may need a certificate of public convenience and necessity to provide telecommunications services within Florida and attached an application and tariff information booklet to the letter.

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On September 1, 1989, NCN filed an incomplete application. On September 7, 1989, Staff advised NCN that its application was incomplete and provided an additional application. On October 20, 1989 Staff reminded NCN of its failure to file an amended application as requested on September 7, 1989. On December 1, 1989, Staff received another incompleated application.

At present, this Commission has received numerous complaints concerning sale techniques employed by NCN salespersons. Further, as outlined above, NCN has repeatedly failed to provide requested information necessary to consideration of its application. Therefore, we find that it is not in the public interest to grant NCN a certificate to operate as an interexchange telecommunications company within the State of Florida at this time.

Based on the foregoing, it is hereby

ORDERED that National Communications Company's application for a certificate to operate as an interexchange telecommunications company within the State of Florida is denied. It is further

ORDERED that this Docket be closed after the protest period has passed, if no response has been timely received.

By ORDER of the Florida Public Service Commission,
this 15th day of FEBRUARY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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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 March 8, 1990.

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, and as reflected in a subsequent order.

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 sewer 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.