

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public)	DOCKET NO. 891322-TI
Service Commission of IXC Certificate)	
No. 1961 issued to UNIVERSAL FIBER)	ORDER NO. 22834
NETWORK, INC. d/b/a UNIVERSAL FIBER)	
NETWORK.)	ISSUED: 4-18-90
)	

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

UNIVERSAL FIBER NETWORK, INC. (UFNI), filed an application for an interexchange telecommunication certificate on November 3, 1987. After having considered the application, the Commission, by Order No. 18950, granted UFNI, Certificate No. 1961, on March 4, 1988.

On November 13, 1989, this Commission's Bureau of Records and Reporting informed the Communications Bureau that UFNI mail was being returned with no forwarding address. Commission records show that UFNI did not report any gross operating revenues for 1988 or 1989, but the company did pay regulatory assessment fees of \$25.00 for each year. UFNI's annual report for 1988 reported no customers but gave a starting date during the second quarter of that year. Its 1989 annual report again stated it had no customers but would be starting operation by June, 1990. According to a letter from UFNI dated February 7, 1990, facility orders have been placed with Southern Bell for initial start up of service in Jacksonville. According to Southern Bell, they have no request from this company for any service.

It appears that the company has not provided IXC service since the certificate was granted despite giving two pending dates to begin operation. Rule 25-24.474, FAC, provides that

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this Commission may, upon its own motion, cancel the certificate under which no service has been provided for a period of six months. Therefore, we believe it appropriate to order the company to show cause why its certificate should not be cancelled in accordance therewith.

Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that Universal Fiber Network, Inc, d/b/a Universal Fiber Network, shall, within 20 days of the issuance of this Order, show cause in writing why its certificate should not be cancelled in accordance with Chapter 25-24.474(1)(d), FAC, for failure to provide service for a period of six months. It is further

ORDERED that failure to respond within this time period will result in all allegations being admitted and forfeiture of any right to a hearing in this matter. It is further

ORDERED that this docket shall remain open pending resolution of the show cause proceeding.

By ORDER of the Florida Public Service Commission,
 this 18th day of APRIL, 1990.

 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

JSR

by: Kay Flynn
 Chief, Bureau of Records

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

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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.

This order is preliminary, procedural or intermediate in nature. 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 May 8, 1990.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(30), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.