

MEMORANDUM

May 6, 1998

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MAY - 6, 1998

3:30

FPSC Records Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *vmp
mc*

RE: DOCKET NO. 980310-TI - REQUEST FOR CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4851 BY DIGITAL SERVICES CORPORATION, EFFECTIVE 3/2/98.

98-0636-FOF-TL

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELLING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE, to be issued in the above referenced docket. (Number of pages in order - 4)

KMP/anr
Attachment
cc: Division of Communications
I: 980310.kmp

12 fax
0 mail

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Interexchange
Telecommunications Certificate
No. 4851 by Digital Services
Corporation, effective 3/2/98.

DOCKET NO. 980310-TI
ORDER NO. PSC-98-0636-FOF-TI
ISSUED: May 7, 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 CANCELLING INTEREXCHANGE
TELECOMMUNICATIONS 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 a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Digital Services Corporation, holder of Interexchange
Telecommunications Certificate (IXC) of Public Convenience and
Necessity No. 4851, has complied with the provision of Rule 25-
24.474(2), Florida Administrative Code, by providing adequate
notice in writing of its request for cancellation of its IXC
certificate and by submitting its regulatory assessment fees for
1997. Accordingly, we find it appropriate to cancel Digital
Services Corporation's IXC certificate, effective March 2, 1998.

Digital Services Corporation shall return its certificate to
this Commission. In addition, under Section 364.336, Florida
Statutes, certificate holders must pay a minimum annual regulatory
assessment fee of \$50 if the certificate was active during any
portion of the calendar year. A Regulatory Assessment Fee Return

DOCUMENT NUMBER-DATE

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notice for 1998 will be mailed to Digital Services Corporation. Neither the cancellation of its certificates nor the failure to receive a Regulatory Assessment Fee Return notice for 1998 shall relieve Digital Services Corporation from its obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Digital Services Corporation's Certificate No. 4851 to provide interexchange telecommunications services is hereby cancelled, effective March 2, 1998. It is further

ORDERED that Digital Services Corporation shall return its certificate to this Commission and remit all due and owing regulatory assessment fees for 1998. 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.

By ORDER of the Florida Public Service Commission this 7th day of May, 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 May 28, 1998.

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.

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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.