

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a certificate)	DOCKET NO. 911051-TI
to provide interexchange telecommuni-)	ORDER NO. 25633
cations service by SELECTEL CORPORATION)	ISSUED: 1/24/92
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-24.471, Application for Certificate, establish the requirements for certification as an interexchange company (IXC).

By Order No. 24154, issued February 25, 1991, in Docket No. 900899-TI, we ordered Selectel Corporation (Selectel or the Company) to show cause in writing why a penalty of \$3000 should not be assessed against it for failure to comply with Rule 25-24.470, Certificate of Public Convenience and Necessity Required. We found that the Company was reselling long distance telephone service, thereby operating as an interexchange carrier (IXC) without first obtaining a certificate from this Commission.

On October 15, 1991, Selectel filed an application and tariff for an IXC certificate. Selectel is a foreign corporation, and as such, is required by Section 607.1501, Florida Statutes, to obtain authority from the Secretary of State to transact business in Florida. Additionally, that requirement was explained to the Company in detail during a September 17, 1991 telephone deposition with our Staff. However, Selectel did not file with the Secretary of State for authority to transact business in Florida as a foreign corporation.

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Under Rule 25-24.471, it is the obligation of the applicant to fully satisfy all requirements of certification. We find that Selectel has not met its obligation. We cannot grant a certificate to a company that is not authorized to transact business in Florida. Accordingly, Selectel's application for certificate is hereby denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Selectel Corporation for a certificate to provide intrastate interexchange telecommunications service is denied. It is further

ORDERED that this docket shall be closed if no protest is filed in accordance with the requirement set forth below.

By ORDER of the Florida Public Service Commission, this 24th
day of JANUARY, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

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 that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice

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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 2/14/92.

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.