

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the) DOCKET NO. 880250-TP
operation of OMNICALL, INC.) ORDER NO. PSC-92-0017-FOF-TP
(formerly ULTRAPHONE, INC.) and) ISSUED: 03/09/92
live bridging in general)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
LUIS J. LAUREDO

FINAL ORDER

BY THE COMMISSION:

By Order No. 25509, issued December 19, 1991 (the Order), we made the following determinations regarding the provision of live bridging:

- 1) The provision of live bridging telecommunications service to unaffiliated entities, through referral in a 976 or 976-like call to a second number, does constitute operation as a telecommunications company.
- 2) Omnicall, Inc., or other entities who provide live bridging telecommunications service to unaffiliated entities, through referral in a 976 or 976-like call to a second number, should not be certificated as telecommunications companies.
- 3) Omnicall, Inc. shall show cause, in writing, why it should not discontinue its provision of live bridging telecommunications service to unaffiliated entities, through referral in a 976 or 976-like call to a second number.

Section 364.33, Florida Statutes, and Rule 25-4.001, Florida Administrative Code, require a telecommunications company to obtain a certificate of public convenience and necessity from this Commission before beginning operation in Florida. Thus, Omnicall, Inc. (Omnicall or the Company) is operating as a telecommunications company, and because it not certificated to operate as such, is doing so in violation of our rules and statutes.

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The Order required Omnicall, Inc. (Omnicall or the Company) to respond to the show cause action by January 8, 1992. Rule 25-22.037(1) requires that an answer to an order by the Commission which asserts a violation of a statute, rule or order shall be filed within 20 days of the issuance of the order. Additionally, Rule 25-22.037(3) states that failure to timely respond constitutes an admission of all facts set forth in the order. Omnicall did not respond to the Order.

Accordingly, we believe it is appropriate to order Omnicall, Inc. to discontinue its provision of live bridging telecommunications service to unaffiliated entities in Florida, within 45 days of the issuance of this order. Additionally, because Omnicall is operating in violation of our statutes and rules, then Southern Bell Telephone and Telegraph Company shall be required to cease providing service to Omnicall within 45 days of the issuance of this order.

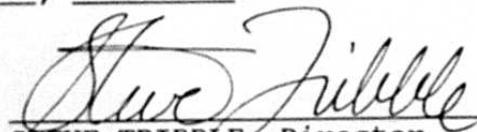
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Omnicall, Inc. shall discontinue its provision of live bridging telecommunications service to unaffiliated entities, through referral in a 976 or 976-like call to a second number, within 45 days of the issuance of this order. It is further

ORDERED that Southern Bell Telephone and Telegraph Company shall discontinue service to Omnicall, Inc. within 45 days of the issuance of this order. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 9th
day of MARCH, 1992.


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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.