

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for certificate to provide interexchange telecommunications service by Dial & Save of Florida, Alpha, Inc. d/b/a Dial & Save)	DOCKET NO. 950460-TI
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In Re: Application for certificate to provide interexchange telecommunications service by Dial & Save of Florida, Beta, Inc. d/b/a Dial & Save.)	DOCKET NO. 950461-TI
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In Re: Application for certificate to provide interexchange telecommunications service by Dial & Save of Florida, Delta, Inc. d/b/a Dial & Save.)	DOCKET NO. 950462-TI
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In Re: Application for certificate to provide interexchange telecommunications service by Dial & Save of Florida, Gamma, Inc. d/b/a Dial & Save.)	DOCKET NO. 950463-TI ORDER NO. PSC-95-0999-FOF-TI ISSUED: August 17, 1995
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATES TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE

BY THE COMMISSION:

In October, 1994, the Staff of this Commission discovered that Dial & Save of Florida, Inc. d/b/a Dial & Save (Dial & Save), an interexchange telecommunications carrier, was offering five

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different toll rates in the five largest local exchange company (LEC) service territories, in apparent violation of Sections 364.08 (reduced rates prohibited), 364.09 (special rate prohibited), and 364.10 (undue advantage to person or locality prohibited), Florida Statutes.

After several telephone conversations between Staff and Dial & Save concerning the apparent violations, Staff received a letter from Dial & Save's General Counsel, on March 21, 1995, offering to form four new corporations with four different tariffs offering four different rates. Staff responded by stating that it appeared that Dial & Save's proposal would eliminate any violations.

On April 24, 1995, Dial & Save filed four applications to do business under four corporate identities in the State of Florida. Although Dial & Save proposes to utilize a legal technicality to accomplish what is otherwise proscribed under Chapter 364, Florida Statutes, its applications satisfy the letter of the law. Moreover, considering that the impetus is toward more competition in the telecommunications industry, since the rate differentials are essentially a result of differential in access charges, it appears that it is in the public interest to approve Dial & Save's applications for four additional certificates to provide interexchange telecommunications services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Dial & Save of Florida, Alpha, Inc. d/b/a Dial & Save is hereby granted Certificate No. 4057. It is further

ORDERED that Dial & Save of Florida, Beta, Inc. d/b/a Dial & Save is hereby granted Certificate No. 4058. It is further

ORDERED that Dial & Save of Florida, Delta, Inc. d/b/a Dial & Save is hereby granted Certificate No. 4059. It is further

ORDERED that Dial & Save of Florida, Gamma, Inc. d/b/a Dial & Save is hereby granted Certificate No. 4060. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, the certificates shall become effective on the following date and these dockets shall be closed.

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By ORDER of the Florida Public Service Commission, this 17th
day of August, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RJP

Commissioner Diane K. Kiesling dissented.

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

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Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 7, 1995.

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. 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.