

P-999/CI-88-917; P-3033/NA-90-555 ORDER ACCEPTING FONE AMERICA'S
RELINQUISHMENT OF INTERIM AND PERMANENT AUTHORITY AND CLOSING
DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of Applications to
Provide Alternative Operator
Services in Minnesota

ISSUE DATE: February 4, 1993

DOCKET NO. P-999/CI-88-917

In the Matter of a Request by
Fone America, Inc. for a
Certificate of Authority to
Resell Long Distance Service,
Directory Assistance Service and
Alternative Operator Services

DOCKET NO. P-3033/NA-90-555

ORDER ACCEPTING FONE AMERICA'S
RELINQUISHMENT OF INTERIM AND
PERMANENT AUTHORITY AND CLOSING
DOCKET

PROCEDURAL HISTORY

On November 19, 1991, the Commission issued its ORDER SETTING REGULATORY REQUIREMENTS FOR OPERATOR SERVICES FROM TRANSIENT LOCATIONS in this docket. In that Order the Commission set out regulatory guidelines for companies offering operator-assisted long distance services to transient end-users at call aggregators' locations (AOS) in Minnesota. The Order also required all AOS providers currently operating under an interim certificate of authority to submit certain compliance filings within 30 days of the date of the Order.

On March 25, 1992, the Commission issued its ORDER AFTER RECONSIDERATION. In that Order the Commission extended the deadline for submission of the compliance filings to within 30 days after the date of the March 25, 1992 Order.

Various AOS providers submitted their compliance filings as required in the Commission's November 19, 1991 and March 25, 1992 Orders. On August 6, 1992, the Department of Public Service (the Department) filed a report and recommendation regarding the compliance filings. The Department noted that Fone America, Inc. (Fone America or the Company), which held an interim certificate of authority to provide AOS, had not submitted the required compliance filings. The Department recommended that the Commission revoke Fone America's interim certificate because the Company had failed to comply with Commission Orders.

On November 24, 1992, the Commission issued its ORDER GRANTING AND DENYING REQUESTS FOR WAIVERS, ACCEPTING COMPLIANCE FILINGS, AND REQUIRING FONE AMERICA TO SHOW CAUSE. In that Order the Commission noted that Fone America had failed to submit compliance filings pursuant to Commission Orders. In order to allow Fone America every opportunity to come into compliance, the Commission issued a Show Cause Order to Fone America. The Show Cause Order required the Company to demonstrate in writing, within 15 days, why its interim certificate should not be revoked for failure to submit compliance filings in accordance with the Commission's November 19, 1991 and March 25, 1992 AOS Orders.

On December 9, 1992, Fone America submitted a written response to the Order to Show Cause. The Company blamed its prior lack of response on financial problems it had been experiencing.

Before the Commission had a chance to meet to consider Fone America's response, the Company filed a second letter with the Commission. In that letter, filed January 21, 1993, Fone America stated that it wished to relinquish its interim AOS certificate of authority. The Company also stated that it wished to "withdraw its pending application for authority to provide resale interexchange telecommunications services in Minnesota." Fone America wanted both relinquishments to be effective immediately.

Although the Company referred to a "pending application for authority to provide resale interexchange telecommunications services in Minnesota," the Company had actually received such authority on February 26, 1991, in Docket No. P-3033/NA-90-555.¹ Commission Staff contacted representatives of Fone America by telephone and were told that the Company intended to relinquish both its interim certificate of authority to provide AOS and its permanent certificate of authority to resell long distance service.

The matter came before the Commission for consideration on January 26, 1993.

FINDINGS AND CONCLUSIONS

Fone America has requested that the Commission accept its relinquishment of permanent authority to resell long distance service and its interim authority to provide AOS. The Commission finds nothing in the Company's request which is contrary to the

¹ Fone America's interim authority to provide AOS was obtained on the same date in the same docket.

public interest. The Commission will accept Fone America's request to relinquish permanent resale authority and interim AOS authority, and will close the docket in which such authority was granted.

ORDER

1. The Commission accepts Fone America's relinquishment of its permanent authority to resell long distance service and its interim authority to provide AOS.
2. Docket No. P-3033/NA-90-555 is closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)