

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Acknowledgment of registration as intrastate interexchange telecommunications company, effective March 18, 2008, by NCOM Networks, LLC.	DOCKET NO. 080162-TI ORDER NO. PSC-08-0294-PAA-TI ISSUED: May 5, 2008
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The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACCEPTING SETTLEMENT

BY THE COMMISSION:

I. Case Background

After receiving a customer complaint, it was determined that NCOM Networks, LLC (NCOM), a company that was providing prepaid calling services in Florida, had not registered as an intrastate interexchange telecommunications company (IXC) or filed a tariff. Several attempts were made to contact the company, but NCOM failed to respond. On December 14, 2007, Docket No. 070711-TI, was established to address NCOM's failure to register as an IXC and to file a tariff., pursuant to Rule 25-24.470, Florida Administrative Code (F.A.C.).

By Order No. PSC-08-0082-PAA-TI, issued February 12, 2008, the Commission imposed a penalty against NCOM in the amount of \$25,000 for its apparent violation of Rule 25-24.470, F.A.C. Thereafter, NCOM contacted our staff to discuss the matter, and staff informed the company of its option to protest the order within 21 days of the date of issuance.

On March 7, 2008, 24 days after the date of issuance, NCOM protested the order and proposed a settlement offer to resolve the company's apparent violation of Rule 25-24.470, F.A.C. Because the protest was received after the 21 day protest period, however, NCOM was informed that the Consummating Order would be issued as scheduled. The company was also informed that its proposed settlement offer was inconsistent with offers in similar dockets that were previously accepted by the Commission. On March 10, 2008, Order No. PSC-08-0147-CO-TI, was issued making Order No. PSC-08-0082-PAA-TI, final and effective.

On March 18, 2008, NCOM registered as an IXC and filed a tariff with the Commission, and the customer complaint was reported as resolved. After reviewing the information, it was determined that the documents received met the requirements of Section 364.02(13), F.S., and

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NCOM was assigned IXC Registration No. TK196. On April 1, 2008, we received a revised settlement offer from NCOM to resolve the company's apparent violation of Rule 25-24.470, F.A.C.

The Commission is vested with jurisdiction over these matters pursuant to Sections 364.02, 364.04, and 364.285, Florida Statutes, (F.S.).

II. Decision

To resolve the matter, NCOM has proposed to make a voluntary contribution in the amount of \$12,500, to be paid within fourteen calendar days after the issuance of the Consummating Order. The company has also resolved the customer complaint and has agreed to timely respond to all future Commission inquiries.

NCOM's proposed settlement offer is consistent with settlement offers in similar dockets that were previously accepted by the Commission.

Therefore, we accept NCOM Networks, LLC's proposed settlement offer to make a voluntary contribution in the amount of \$12,500 to resolve the apparent violation of Rule 25-24.470, F.A.C., and acknowledge the company's registration as an intrastate interexchange telecommunications company, effective March 18, 2008.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that NCOM Networks, LLC's proposed settlement offer to make a voluntary contribution in the amount of \$12,500 to resolve the apparent violation of Rule 25-24.470, F.A.C. is hereby accepted. It is further

ORDERED that NCOM Networks, LLC shall make payment of the voluntary contribution in the amount of \$12,500 within fourteen calendar days after the issuance of the Consummating Order. It is further

ORDERED that this docket shall be closed administratively upon either receipt of the payment of the settlement amount or upon the referral of the penalties to the Department of Financial Services.

By ORDER of the Florida Public Service Commission this 5th day of May, 2008.



ANN COLE  
Commission Clerk

( S E A L )

CCP

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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 26, 2008.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.