

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 891290-TI
proceedings against INTERNATIONAL)	
TELECHARGE, INC. for illegal handling)	ORDER NO. 22980
of zero minus (-0) calls in violation)	
of Commission orders)	ISSUED: 5-25-90
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The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- BETTY EASLEY
- GERALD L. GUNTER

ORDER ACCEPTING OFFER OF SETTLEMENT AND TERMINATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

International Telecharge, Inc. (ITI or the Company) is a certificated interexchange carrier (IXC), also providing alternative operator services (AOS) in Florida. On December 20, 1989, our staff filed a recommendation for our January 2, 1990, Agenda Conference, wherein our staff alleged that ITI had violated certain rules and orders of this Commission.

Subsequently, ITI submitted a settlement offer in this matter. The terms of this settlement offer are:

1. ITI will, by March 31, 1990, complete the necessary reprogramming to ensure that zero minus (0-) traffic is routed to the appropriate local exchange companies.
2. ITI will, by March 31, 1990, complete the necessary reprogramming to ensure that zero plus (0+) intraLATA traffic is routed to the appropriate local exchange companies.
3. ITI has amended its contracts with call aggregators to prohibit denial of access to all available interexchange carriers and ITI will remove aggregators from its network who continue to ignore the Commission's requirements.

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4. It is not ITI's policy to bill for incomplete calls, and ITI will convert to feature group D facilities whenever possible. In the meantime, whenever ITI is notified by a customer of billing for incomplete calls, ITI will promptly provide that customer a full refund.
5. ITI is current in the payment of regulatory assessment fees.
6. ITI has certified to staff that it has correctly reported its intrastate revenue and suggests there is no need for the Commission to audit ITI to determine the accuracy of past reporting. Staff believes this statement is acceptable only on an interim basis, subject to a staff decision whether to audit ITI in accordance with Rule 25-4.019(3), Florida Administrative Code. If a subsequent audit reveals any significant inaccuracies in reporting, the matter will be brought back to the Commission in a separate proceeding.
7. ITI will agree to pay the Commission a sum of \$10,000 under the terms and conditions of this proposal in return for full and complete settlement of the issues in this proceeding and closure of this docket.
8. Staff will withdraw its recommendation regarding payment to the local exchange companies for revenues denied due to ITI's carrying of zero minus (0-) and zero plus (0+) intraLATA/market area calls.
9. Staff will withdraw its recommendation regarding a moratorium on ITI processing intrastate calls from new locations.
10. ITI is fully aware that it must continue to comply with the Commission's requirements and a formal notice to that effect is unnecessary.

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11. Acceptance of this settlement offer should constitute a final disposition of the show cause recommendations.

ITI has described in its settlement offer the corrective action it is taking to address the violations alleged in our staff's original recommendation. We believe that ITI's corrective action is satisfactory and will bring the Company into compliance with applicable rules and/or orders that were the subject of the original recommendation.

Upon consideration of the facts and circumstances of this particular case, we find it appropriate and reasonable to accept ITI's settlement offer. Accordingly, ITI shall submit its \$10,000 payment within thirty (30) days of the issuance date of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement submitted by International Telecharge, Inc. is hereby accepted as specified in the body of this Order. It is further

ORDERED that International Telecharge, Inc. shall submit its payment of \$10,000 to this Commission within thirty (30) days of the issuance date of this Order. It is further

ORDERED that this docket shall be closed upon receipt of the \$10,000 fine.

By ORDER of the Florida Public Service Commission,
this 25th day of May, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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.