

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against NATIONAL COMMUNICA- TIONS NETWORK for violation of Rule 25.24.470, F.A.C., certificate of public convenience and necessity required)	DOCKET NO. 891276-TI
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In re: Initiation of show cause proceedings against ATS COMMUNICATIONS, INC. for violation of Rule 25.24.470, F.A.C., certificate of public convenience and necessity required)	DOCKET NO. 891277-TI
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In re: Application of NCN COMMUNICATIONS, INC. for a certificate of public conven- ience and necessity authorizing operation as an interexchange telephone company in Florida)	DOCKET NO. 900076-TI
)	ORDER NO. 23475
)	ISSUED: 9-12-90

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

ORDER SETTING CERTIFICATION FOR HEARING

BY THE COMMISSION:

In Order No. 22561, issued February 15, 1990, we ordered National Communications Network (NCN), to show cause in writing why it should not be fined \$5000 for operating as a telecommunications provider within the state of Florida without the certificate required by Section 354.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code. We also denied NCN's application for a certificate in Order No. 22558, issued February 15, 1990. Our decision was based on NCN's failure to file a complete application, and the numerous consumer complaints we had received regarding the company's sales techniques.

Concurrent with those decisions, we issued Order No. 22543 on February, 13, 1990, requesting ATS Communications, Inc. (ATS), to show cause in writing why it should not be fined \$5000 for violation of Section 364.33 and Rule 25-24.470. ATS is a marketing subsidiary of NCN that sells NCN services.

NCN offers telephone services as a "call aggregator" or Multi-Location Plan Aggregator (MLPA). The MLPAs receive volume discounts from large carriers, then resell those telephone services

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to business and residential customers. The customer is billed through NCN, and receives service at a discounted rate. NCN obtains its revenue through sharing the discount with the customer.

We have received numerous complaints concerning the sales techniques and marketing practices of NCN. The volume of complaints has increased significantly recently, raising the issue of whether granting NCN an interexchange carrier certificate at this time would be in the public interest.

We believe that the excessive number of consumer complaints, combined with NCN's questionable continuing marketing practices dictate that a thorough investigation into this matter be performed. Accordingly, we find that this matter shall be set for hearing.

We acknowledge NCN's obligation to continue to provide service to existing customers; however, we hereby put NCN on notice that further marketing and subscription activities may subject it to further penalties, pursuant to Section 364.285.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the issue of whether to grant National Communications Network authority to provide interexchange service, is hereby set to be resolved at a hearing. It is further

ORDERED that these dockets remain open pending resolution of this matter.

By ORDER of the Florida Public Service Commission, this 12th day of SEPTEMBER, 1990.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

by: Kay Dwyer
Chief, Bureau of Records

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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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.