

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show) DOCKET NO. 920714-TI
cause proceedings against) ORDER NO. PSC-92-1254-AS-TL
TRANS NATIONAL COMMUNICATIONS) ISSUED: 11/03/92
INC. d/b/a MEMBERS' LONG)
DISTANCE ADVANTAGE for)
violation of Rules 25-24.470,)
25-4.111(1), 25-4.043, and)
25-4.118, F.A.C.)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

On December 24, 1991, Trans National Communications, Inc. d/b/a Members' Long Distance Advantage (MLDA) filed an application on behalf of MLDA for authority to provide interexchange telecommunications service. The application was approved at the March 24, 1992 Agenda Conference. The certificate was issued and became effective on April 23, 1992.

Prior to the application's approval, the Commission received eleven (11) complaints concerning MLDA from consumers. Each of the consumers complained that their long distance service had been switched from their existing carrier of choice to another carrier (MLDA) without their permission (slamming).

Upon contact by the Commission regarding the consumer complaints, MLDA stated that it had not solicited intrastate traffic and explained that any such traffic billed was "incidental traffic" and could not be blocked from carriage due to technological constraints.

In a memo dated May 27, 1992, the Commission's Division of Consumer Affairs informed us that it was continuing to receive complaints against MLDA for unauthorized carrier changes, i.e., slamming. The memo also stated that MLDA had been slow in responding to complaints filed by Consumer Affairs staff on behalf of customers.

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At the time of our August 4, 1992, Agenda Conference, we had received a total of twenty-one (21) complaints from consumers regarding slamming by MLDA. By Order No. PSC-92-0781-FOF-TI, we ordered MLDA to Show Cause Why a Fine Should Not Be Imposed or Certificate Cancelled for the above violations. On August 31, 1992, MLDA timely filed a response to the Show Cause Order. Thereafter, MLDA advanced the possibility of settlement and expressed its desire to fully cooperate in order to satisfactorily and expeditiously dispense with this matter. MLDA subsequently filed a proposed "Settlement Agreement" for our review.

After reviewing the proposed "Settlement Agreement", certain provisions were unacceptable. At the October 20, 1992, Agenda Conference, MLDA submitted a revised "Settlement Agreement." The terms of the revised "Settlement Agreement" accepted by the Commission were as follows:

1. MLDA shall pay \$3,930 to the Florida Public Service Commission within ten (10) days of the issuance of an Order approving the Settlement Agreement between MLDA and the Florida Public Service Commission. Payment of this amount by MLDA shall constitute a settlement between MLDA and the Commission on all violations detailed in the Show Cause Order, including any violations which may have occurred prior to the issuance of that Order but which have not yet come to the attention of the Commission. Any violations which have occurred or may occur subsequent to the issuance of the Show Cause Order shall not be bound by the terms of this Settlement.
2. Any notices of complaints regarding MLDA received by the Commission shall be directed to the attention of John Vancura, Regulatory Manager, 800 Boylston Street, Suite 1500, Boston, Massachusetts, 02199-8001. MLDA will handle all complaints as directed by all applicable Rules and Statutes.
3. By entering into this Settlement Agreement, MLDA admits no willful violation of the laws outlined in the Show Cause Order.
4. The Settlement Agreement is submitted for purposes of this case only and is not deemed binding upon the parties hereto in any other proceeding, nor is it to be offered or relied upon in any other proceeding involving any other utility.

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5. Upon issuance of this Order, MLDA agrees that it shall file neither an application for a rehearing with the Commission, nor an appeal from such order and the Commission agrees that this docket will be closed.


Upon review, we approve the settlement proposal. The penalty shall be paid by Trans National Communications, Inc. d/b/a Members' Long Distance Advantage within ten (10) days of the issuance of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposal is approved as outlined in the body of this Order. It is further

ORDERED that this docket shall be closed upon the Commission's receipt of the penalty to be paid by Trans National Communications, Inc. d/b/a Members' Long Distance Advantage.

By ORDER of the Florida Public Service Commission this 3rd day of November, 1992.



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 Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.