

Talbott : *WJZ*

Vandiver: *DS for PV*

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

JANUARY 9, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS) *WJZ*
DIVISION OF LEGAL SERVICES (KEATING) *WCK H E*

RE: DOCKET NO. 961315-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3112 HELD BY TSA CONSULTANTS, INC. D/B/A TELECOMMUNICATION SERVICES OF AMERICA FOR VIOLATION OF RULE 25.24-473, F.A.C., APPLICATION FOR APPROVAL OF SALE, ASSIGNMENT OR TRANSFER OF CERTIFICATE.

AGENDA: 01/21/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/961315.RCM

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission cancel TSA CONSULTANTS, INC. d/b/a TELECOMMUNICATIONS SERVICES OF AMERICA's (TSA) Interexchange Telecommunications Certificate No. 3112, for violation of Rule 25-24.473, Florida Administrative Code, Application for Approval of Sale, Assignment or Transfer of Certificate?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Pursuant to Rule 25-24.473, Florida Administrative Code, every person desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on form PSC/CMU 31 (11/95) which is incorporated by reference into Rule 25-24.473, Florida Administrative Code.

RECEIVED TELECOMMUNICATIONS

00242 JAN-95

FPSC-REG/RECORDS/REPORTING

DOCKET NO. 961315-TI
DATE: January 9, 1997

Since August 28, 1995, when this Commission was informed of the sale of TSA, all correspondence (attached) has failed in getting the new owners to forward an application as required in Rule 25-24.473, Florida Administrative Code.

Therefore:

- * The company has failed to comply with Rule 25-24.473, Florida Administrative Code, in that it has not filed with staff the appropriate application.
- * Staff has contacted the provider via letter and telephone and the company has failed to reply to staff correspondence.
- * It has been well over 1 year since the sale of TSA and staff has not received the appropriate application.
- * Staff notes cancellation or a fine is consistent with previous proceedings of this nature.

ISSUE 2: Should all certificated interexchange telecommunication companies be ordered to discontinue providing interexchange telecommunications service to TSA CONSULTANTS, INC. d/b/a TELECOMMUNICATIONS SERVICES OF AMERICA (TSA) pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

RECOMMENDATION: Yes.

DOCKET NO. 961315-TI
DATE: January 9, 1997

STAFF ANALYSIS: Rule 25-24.4701 (3), Florida Administrative Code, states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully selling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

If the Commission approves staff's recommendation in Issue 1, TSA's interexchange telecommunications Certificate No. 3112 will be cancelled, and any intrastate IXC service offered by TSA would be unlawful.

Therefore, staff recommends that the Commission order all certificated IXCs to discontinue providing intrastate long distance service to TSA CONSULTANTS, INC. d/b/a TELECOMMUNICATIONS SERVICES OF AMERICA.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, this docket should be closed without further Commission action and the certificate should be cancelled.

STAFF ANALYSIS: If no protest is filed within 21 days of the issuance date of the order, the docket should be closed and the provider's certificate cancelled without further Commission action.

Jet

FOOD STORES

August 28, 1995

RECEIVED

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

FPSC RECORDS REPORTING

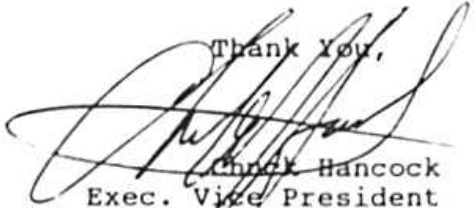
To whom it may concern:

T. S. A. was sold on August 12, 1995. The new owners name and address is:

**International Cellular, Inc.
6222 Glendridge Drive N.E.
Atlanta, GA 30328**

Please be advised that Mr. Chuck Hancock is no longer affiliated with T.S.A. Please mail all of your correspondence to the new owners at the above address. If you have any questions, please call Tina Adams at Jet Food Stores of GA, Inc.

Thank You,


Chuck Hancock
Exec. Vice President
Jet Food Stores of GA, Inc.



INTERNATIONAL CELLULAR, INC.
6222 GLENDRIDGE DRIVE, N.E. ATLANTA, GA 30328 · (404) 257-6471

953-3300

August 12, 1993

Mr. Chuck Hancock
TSA Consultants, Inc.

RE: Purchase of TSA stock

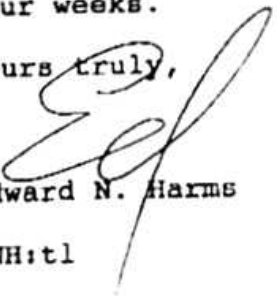
Dear Chuck:

Please accept this letter as confirmation of our intent to purchase all the stock of TSA Consultants, Inc. The total purchase price is to be \$8,000. The foregoing is subject to final approval, if necessary, by any Public Service Commission.

This purchase will include all assets of TSA, therefore, we would like to have copies of the latest tax returns as soon as possible.

Chuck, I hope that we can conclude this within the next three or four weeks.

Yours truly,


Edward N. Harms

ENH:tl

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

September 5, 1995

International Cellular, Inc.
6222 Glenridge Drive, N.E.
Atlanta, GA 30328

Dear Sirs:

It has been brought to our attention that you have purchased TSA Consultants, Inc. d/b/a Telecommunications Services of America (TSA).

Before we can recognize a transfer of a certificate of public convenience and necessity, the attached application must be completed and returned to this Commission. Until this Commission approves the transfer, all transactions must continue to be in the name of the present certificate holder TSA.

If you have any questions, please contact me at (904) 413-6586.

Sincerely,
A handwritten signature in cursive script that reads "Thomas E. Williams, III".

Thomas E. Williams, III
Engineer
Bureau of Service Evaluation

cc: Hancock

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

September 27, 1995

Certified

INTERNATIONAL CELLULAR, INC.
2500 Windy Ridge Parkway, Suite 365
Atlanta, GA 30339

Dear Sirs:

RE: Telecommunications Services of America

It has been brought to our attention (attachment) that you have purchased TSA Consultants, Inc. d/b/a Telecommunications Services of America (TSA):

However, before we can recognize a transfer of certificate of public convenience and necessity, the acquiring company must complete an application and have approval from this Commission. Until this happens, all transactions and billing must continue to be in the name of the current certificate holder TSA.

Please inform us of your intentions by October 13, 1995.

Failure to respond in a timely manner may result in legal action. Further, if it is ultimately determined that International Cellular, Inc. has violated either Sections 364.33 and 364.335, Florida Statutes or Rule 25-24.470, Certificate of Public Convenience and Necessity Required, Florida Administrative Code, it could be subject to a fine of up to \$25,000.00 for each offense pursuant to Section 364.285, Penalties, Florida Statutes, for every day it was in violation.

7

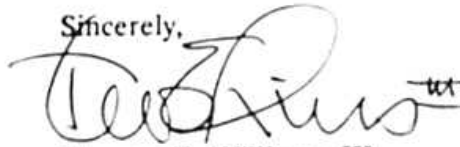
International Cellular, Inc.
Page 2
September 27, 1995

Further, if you fail to respond to this letter and it is determined that Rule 25-24.4701 (3), Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, Florida Administrative Code, has been violated, a recommendation will be made to the Commission to order all certificated interexchange telecommunication companies in Florida to discontinue providing intrastate telecommunication service to International Cellular, Inc.

This correspondence represents an interpretation by the staff of the Florida Public Service Commission regarding the statutes and rules which appear to apply to your circumstances. It is provided for your convenience and is not a formal decision by the Commission. Any formal determination of your substantial interests regarding matters within the jurisdiction of this Commission will be made pursuant to the provisions of Chapter 120, Florida Statutes and Chapter 25-22, Florida Administrative Code.

If you have any questions, I may be reached at (904) 4813-6586

Sincerely,

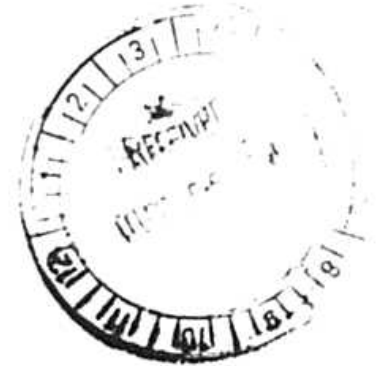
A handwritten signature in black ink, appearing to read "T. Williams III", with a small "ut" written to the right of the signature.

Thomas E. Williams, III
Engineer
Bureau of Service Evaluation

TEW:tew
attachments
cc: Hancock



October 4, 1995



State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Mr. Williams,

There was a typographical error in the previous letter that was mailed on August 28, 1995. Please note that T. S. A. was sold on September 16, 1993. The new owners name and address is:

**International Cellular, Inc.
2500 Windy Ridge Parkway
Suite 365
Atlanta, GA 30339**

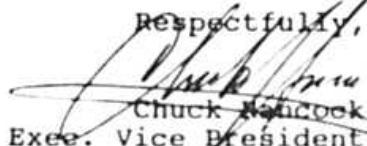
Mr. Williams, to my knowledge, there has been no activity what so ever with the T. S. A. certificate of public convenience and necessity. At the time of purchase, I. C. I. (Ed Harms) assured me that they would communicate with you on the necessary paperwork, etc. We never really got the company up and going (only through the process of acquiring the certificates).

I have been in touch with Russell Brown whom I believe has replaced Ed Harms at I. C. I. His number is (404) 953-3300. He has assured me that he will respond to your letter and provide you with whatever you need to get this matter resolved.

Again, I apologize for the lack of communication. Please call me if there is anything that I need to do. You may reach me at:

**Jet Food Stores of GA; Inc.
P. O. Box 756
Sandersville, GA 31082
(912) 552-2588**

800-277-1163

Respectfully,

Chuck Hancock
Exec. Vice President

9



RECEIVED
DEC 15 1995

December 11, 1995

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Attention: Blanca S. Bayo

FPSC-RECORDS/REPORTING



Dear Ms. Bayo,

T. S. A. was sold on August 12, 1993. The new owners name and address is:

International Cellular, Inc.
2500 Windy Ridge Parkway
Suite 365
Atlanta, GA 30339

Please be advised that Mr. Chuck Hancock is no longer affiliated with T.S.A. Please mail all of your correspondence to the new owners at the above address. If you have any questions, please call Tina Adams at Jet Food Stores of GA, Inc.

Thank You,

A handwritten signature in cursive script that reads "Chuck Hancock".

Chuck Hancock
Exec. Vice President
Jet Food Stores of GA, Inc.



February 14, 1996

State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

*T.I.C. 84
EXC cut 3/12*

To Whom it may concern:

T. S. A. was sold on August 12, 1993. The new owners name and address is:

**International Cellular, Inc.
2500 Windy Ridge Parkway
Suite 365
Atlanta, GA 30339**

Please be advised that Mr. Chuck Hancock is no longer affiliated with T.S.A. Please mail all of your correspondence to the new owners at the above address. If you have any questions, please call Tina Adams at Jet Food Stores of GA, Inc.

*TSA Consultants, Inc. d/b/a
Telecommunication
Services of America*

Thank You,

Chuck Hancock
Chuck Hancock
Exec. Vice President
Jet Food Stores of GA, Inc.

*Bill Gleaton
1-800-226-5018*

11

State of Florida

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

February 22, 1996

Mr. Chuck Hancock
Exec. Vice President
Jet Food Stores of GA, Inc.
P.O.Box 756
Sandersville, GA 31082

RE: TSA Consultants, Inc. d/b/a Telecommunication Services of America

Dear Mr. Hancock:

As directed in my September 27, 1995 letter to International Cellular, Inc., I requested a completed application be forwarded to this Commission by October 13, 1995 so this Commission could formally transfer the certificate of TSA Consultants, Inc. d/b/a Telecommunications Services of America (TSA) to International Cellular, Inc. (ICI). As of this date, we have not received the requested application nor have we received any correspondence from ICI.

Because of this, this Commission has no alternative but to recognize TSA as the holder of Florida Public Service Commission Certificate No. 3112.

Therefore, since ICI is not certificated to conduct intrastate telecommunication service in Florida, by copy of this letter, we are informing ICI of our intentions to bring a recommendation before the Commission to order all certificated interexchange telecommunication companies in Florida to discontinue providing intrastate telecommunication service to ICI for violation of Rule 25-24.4701 (3), Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, Florida Administrative Code, if a completed application is not received.

Therefore, please complete the enclosed application and return by **March 8, 1996.**

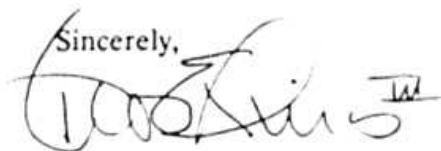
12

TSA Consultants, Inc.
February 22, 1996
page two

Further, TSA and ICI could be subject to a fine of up to \$25,000.00 (Section 364.285, Penalties, Florida Statutes) for violation of Rule 25-24.473, Application for Approval of Sale, Assignment or Transfer of Certificate, Florida Administrative Code, for every day TSA or ICI was in violation.

This correspondence represents an interpretation by the staff of the Florida Public Service Commission regarding the statutes and rules which appear to apply to your circumstances. It is provided for your convenience and is not a formal decision by the Commission. Any formal determination of your substantial interests regarding matters within the jurisdiction of this Commission will be made pursuant to the provisions of Chapter 120, Florida Statutes and Chapter 25-22, Florida Administrative Code.

If you have any questions, I may be reached at (904) 413-6586.

Sincerely,


Thomas E. Williams, III
Engineer
Bureau of Service Evaluation

cc: International Cellular, Inc.
CMS# 1548



July 8, 1996

State of Florida
Public Service Commission
Division of Records & Reporting
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

To Whom it may concern:

Enclosed are two letters and two fax addressed to T. S. A. which was sold on August 12, 1993. The new owners name and address is:

International Cellular, Inc.
Attn: Mr. Bill Gleaton
2800 Old Dawson Rd.
Suite 2-201
Albany, GA 31707

Please be advised that Mr. Chuck Hancock is no longer affiliated with T.S.A.

PLEASE MAIL ALL OF YOUR CORRESPONDENCE TO THE NEW OWNERS AT THE ABOVE ADDRESS!!

If you have any questions, please call Tina Adams at Jet Food Stores of GA, Inc.

TI084
Mr. Charles C. Hancock
Telecommunication Services of America
P. O. Box 756
Sandersville, GA 31082

TI

Thank You,

Chuck Hancock

Chuck Hancock
Exec. Vice President
Jet Food Stores of GA, Inc.

14



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-



DATE: July 11, 1996
TO: Tommy Williams, Division of Communications
FROM: Nonnye Grant, Division of Records and Reporting
RE: Telecommunication Services of America - TI084 *nb*

Forwarding copy of 7-8-96 letter from Mr. Chuck Hancock that we received today, in which he advises that Telecommunication Services of America was sold to International Cellular, Inc. on 8-12-93.

Our records show that on 3-18-93, docket 930294-TI was opened to cancel their IXC certificate for violation of Rule 254-24.080, F.A.C., Reports and Records; Rules Incorporated. On 3-23-93 a memo from CMU to ExDir Talbott advising that PSC had received the necessary information; requested that docket be closed since no action has taken place. The docket was closed administratively by this action, which did not cancel their certificate.

There is a company under the name of International Cellular, Inc. d/b/a ICI Communications Corporation (TI249) certificated by the PSC by Order PSC-94-1140-FOI - TI issued 9-16-94, effective 10-8-94. The information Mr. Hancock lists does not match what we have.

Shouldn't there have been a docket opened at the time of the sell of the company, either to cancel their certificate; transfer of control company to the new owners; or request for name change?

I'm hesitate to change the address to what Mr. Hancock lists, until after you have checked into this. Once you have verified this information and I hear your response, then I can change the mailing address, but it will still reflect Telecommunication Services of America's name. Also I will need to have a phone number for Mr. Gleaton, if he is the liaison now.

/nb
Attachment (1)



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: August 28, 1996
TO: Tommy Williams, Division of Communications
FROM: Nonnye Grant, Division of Records and Reporting *7/16*
RE: Telecommunication Services of America - T1084

This is a follow up to my memo on 7-11-96 (copy attached with copy of 7-8-96 letter from Mr. Hancock), as I have had no response from you regarding this matter.

Please check into this for us. Again, shouldn't there be a docket opened acknowledging the sell of the company, either to cancel their certificate; transfer of control company to the new owners; or request for name change?

As of this date, I have not made any changes to the address, etc. This will be done after you have verified this information. Only the address will be changed then, **not the name** of the company.

Thanking you in advance for your help.

/nbg
Attachments (2)

*① reviewed subject
by phone - verification
left message to call
9/4/96 - no response*

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

September 4, 1996

Certified

Mr. Russel Brown
INTERNATIONAL CELLULAR, INC. d/b/a ICI COMMUNICATIONS CORPORATION
2500 Windy Ridge Parkway, Suite 365
Atlanta, GA 30339

RE: TSA Consultants, Inc. d/b/a Telecommunication Services of America

Dear Mr. Brown:

As of this date, we have not received a response from any of our inquiries dating from September 5, 1995 (attached) concerning the purchase of the above subject company.

Therefore, since it appears that International Cellular, Inc. d/b/a ICI Communications Corporation (ICI) purchased TSA Consultants, Inc. d/b/a Telecommunication Services of American (TSA) around August 12, 1993, without approval from this Commission, this is to inform you that we intend to file a recommendation to cancel TSA's FPSC Certificate No. 3112 for violation of Rule 25-24.473, F.A.C., Application for Approval of Sale, Assignment or Transfer of Certificate.

Further, pursuant to Rule 25-24.4701 (3), F.A.C., Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, staff will also recommend that the Commission order all certificated IXC's to discontinue providing intrastate long distance service to TSA.

Mr. Russel Brown
September 4, 1996
page two

If you have any questions, I may be reached at (904) 413-6586.

Sincerely,


Thomas E. Williams III
Engineer
Bureau of Service Evaluation

TEW/tew

attachments