

Talbott *WT*
Vandiver *[Signature]*

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

MAY 29, 1997

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Aji*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: DOCKET NO. ~~961480-TI~~ - RAMCOM GROUP, INC. - INITIATION OF
SHOW CAUSE PROCEEDINGS FOR VIOLATIONS OF RULES 25-24.470,
FLORIDA ADMINISTRATIVE CODE, CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY REQUIRED, AND 25-4.043, FLORIDA
ADMINISTRATIVE CODE, RESPONSE TO COMMISSION STAFF
INQUIRIES

AGENDA: JUNE 10, 1997 - REGULAR AGENDA -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961480TI.RCM

CASE BACKGROUND

Staff obtained a debit card identified as "GlobalTel Debit Card." Ramcom Group, Inc., the company providing the debit card, does not hold a certificate to provide interexchange service in Florida.

By Order No. PSC-97-0228-FOF-TI, issued February 26, 1997, the Commission initiated proceedings to require Ramcom Group to show cause why we should not fine Ramcom up to \$25,000 per day for providing debit card service without a certificate and not responding to Commission staff inquiries. The Post Office subsequently returned the certified copy of the Order to Show Cause to the Commission.

Staff has been unsuccessful in obtaining a new address or telephone number for Ramcom Group. Therefore, staff believes the following recommendations are appropriate.

DOCUMENT NUMBER-DATE

05386 MAY 29 97

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Pursuant to Chapter 364.285, Florida Statutes, should the Commission fine Ramcom Group, Inc., \$25,000 in resolution of the Order to Show Cause for violations of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes, staff recommends the Commission fine Ramcom Group, Inc., \$25,000. The fine amount should be paid to the Commission to be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. (Isler)

STAFF ANALYSIS: Commission staff obtained a debit card identified as "GlobalTel Debit Card." On July 10, 1996, staff wrote Ramcom Group, Inc. (Ramcom), requesting information about its Florida operations, and advising that certification may be required by the Commission. After receiving staff's letter, a Ramcom representative called on July 15, 1996, and discussed its operations. Based on Ramcom's description of its operations, staff advised Ramcom that it appeared it must become certificated. That same day, staff mailed the company an application.

Ramcom did not return the application, therefore, staff wrote the company a certified letter on August 13, 1996. On September 11, 1996, the U. S. Postal Service returned the certified letter and marked it "Returned to Sender - Unclaimed." In addition, "Out of business - 3295 HB" was handwritten on the envelope. On that same day, staff obtained a different address for Ramcom from the Division of Corporations, and wrote the company another certified letter. The U. S. Postal Service delivered the certified letter on September 19, 1996. Ramcom Group never responded to staff's letter or completed and returned the application.

On February 26, 1997, the Commission issued Order No. PSC-97-0228-FOF-TI, requiring Ramcom to show cause why we should not fine Ramcom up to \$25,000 per day for violations of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The Post Office returned to the Commission the certified copy of the Order on March 25, 1997, and marked it "Returned to Sender" with no other explanation. Staff called Directory Assistance on May 9, 1997, and asked for a listing for Ramcom Group, Inc., and Marcelo E. Faure, the Ramcom Group representative with whom staff spoke.

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Directory Assistance informed staff it did not have a listing for either. In addition, on May 23, 1997, staff searched the internet concerning Ramcom, but was unsuccessful in obtaining any information.

In previous dockets involving companies operating without a certificate and not responding to staff inquiries, fines and settlements have ranged up to \$40,714. Therefore, in view of the company's failure to respond to the certified copy of the Show Cause Order No. PSC-97-0228-FOF-TI and staff's inquiries, staff recommends a fine. Staff believes a fine of \$25,000 is appropriate.

ISSUE 2: Should the Commission close this docket?

RECOMMENDATION: Yes. If Issue 1 is approved, the Commission should close this docket. The fine should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the fine is not paid, the fine should be referred to the Comptroller's Office for further collection efforts. (Cox)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1 and after collection of the fine or referral to the Comptroller's Office, this docket should be closed. The fine should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes.