



# Public Service Commission

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

**DATE:** JUNE 27, 1997

**TO:** PATRICK K. WIGGINS, ESQUIRE  
WIGGINS & VILLACORTA  
TOMMY E. WILLIAMS, DIVISION OF COMMUNICATIONS

**FROM:** CHARLES J. PELLEGRINI, ESQUIRE *CP*

**RE:** DOCKET NO. 961233-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST FOX FIBER OPTICS FOR VIOLATION OF RULES 25-24.470, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED AND 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES

Confirming the agreements reached in the issue identification meeting on June 6, 1997, the following issues have been established for hearing in Docket No. 961233-TI:

**ISSUE 1:** Has Fox Fiber Optics violated Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

**ISSUE 2:** If the answer in Issue 1 is yes, what is the appropriate penalty pursuant to Section 364.285(1), Florida Statutes?

**ISSUE 3:** Has Fox Fiber Optics violated Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

**ISSUE 4:** If the answer in Issue 3 is yes, what is the appropriate penalty pursuant to Section 364.285(1), Florida Statutes?

**ISSUE 5:** Should the Commission order all certificated interexchange telecommunications companies to discontinue providing interexchange telecommunications service to Fox Fiber Optics pursuant to Rule 25-24.470(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

If you have any question, please call me at (904) 413-6199.

CJP:clp

cc: Richard Moses, Division of Communications

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FPSC-RECORDS/REPORTING