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

FPSC - Records/Reporting

MEMORANDUM

AUGUST 28, 1997

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

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS STRONG) *WJ*  
DIVISION OF LEGAL SERVICES (PENA) *WKB*

RE: DOCKET NO. 970446-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 2950 ISSUED TO TELNEX, INC. FOR VIOLATION OF RULE 25-24.480(2)(a)(b), FLORIDA ADMINISTRATIVE CODE, RECORDS AND REPORTS; RULES INCORPORATED, AND RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEE.

AGENDA: 09/09/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/970446.RCM

CASE BACKGROUND

- \* Telnex, Inc. obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 2950 on March 17, 1992.
- \* Since October, 1996, mail sent to Telnex, Inc. has been returned.
- \* Regulatory Accessment Fees along with statutory penalties and interest have not been submitted for the years 1991-96.
- \* Staff attempted unsuccessfully to reach Telnex, Inc. by calling the telephone number listed in the Master Commission Directory, but that number was disconnected.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Date: August 28, 1997

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel TELNEX, INC.'S (TXI) Interexchange Telecommunications Certificate No. 2950 for apparent violation of Rule 25-24.480 (2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate unless the fine and information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated, are received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and 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 Commission's Order is not protested and the required information and fine are not received, the fine should be assessed or Certificate No. 2950 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection. (Williams)

**STAFF ANALYSIS:** Pursuant to Chapter 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telephone company (IXC) certificate. The rule provides, in pertinent part, for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Pursuant to Rules 25-24.480(2)(a) and (b), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information. Mail sent to TXI was returned to our Division of Records and Reporting. Numerous attempts to contact TXI by telephone have been unsuccessful because the telephone has been disconnected. In addition, the Secretary of State, Division of Corporations, lists TXI as inactive and revoked

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TXI's authority to operate in Florida for failure to file its annual report.

Accordingly, staff recommends that the company's certificate be canceled or the Commission impose a \$500 fine, unless it pays the fine and provides staff with the information required by Rule 25-24.480(2) (a) and (b), Florida Administrative Code.

**ISSUE 2:** Should the Commission impose a \$500 fine or cancel TELNEX, INC.'S (TXI) Interexchange Telecommunications Certificate No. 2950 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate unless the fine and regulatory assessment fees, including statutory penalties and interest, required by Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, are received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and 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 Commission's Order is not protested and the required information and fine are not received, the fine should be assessed and certificate no. 2950 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection.  
(Williams)

**STAFF ANALYSIS:** Based on information provided by the Bureau of Fiscal Services, TXI has not submitted the regulatory assessment fees for the years 1991 - 1996, along with the statutory penalties and interest.

Accordingly, staff recommends that the company's certificate be canceled or the Commission impose a \$500 fine, unless it pays the fine and submits all delinquent regulatory assessment fees, along with the statutory penalties and interest pursuant to Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, within 5 business days after the conclusion of the 21 day protest period. Any fine collected should be forwarded to the Office of

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the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**ISSUE 3:** Should the Commission order all certificated interexchange telecommunication companies to discontinue providing interexchange telecommunications service to TELNEX, INC. (TXI) pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, if Certificate Number 2950 is canceled?

**RECOMMENDATION:** Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to TXI if TXI's certificate is canceled at the conclusion of the protest period for failure to provide the information or pay the fines as required in Issue 1 and 2. The Order should state that any IXC providing service to TXI must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled. (Williams)

**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 reselling 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 TXI's certificate is canceled, any intrastate IXC service offered by TXI would be in violation of Rule 25-24.4701(3), Florida

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Administrative Code. Since the Commission cannot readily identify which IXC provides service to TXI, the Commission should order all certificated IXCs to discontinue service to TXI if TXI fails to comply with the terms of the Commission's order resulting from these recommendations. The Order should state that any IXC providing service to TXI must contact the Commission at the conclusion to the protest period as set forth in the Order to determine whether the certificate has been canceled.

ISSUE 4: 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, the Order will become final. Upon payment of the fines or cancellation of the certificate, this docket should be closed.  
(Pena)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1 and 2, then TXI will have 21 days from the issuance date of the order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and fees and receipt of the required information, or upon cancellation of the certificate.

MEMORANDUM

February 17, 1997

TO: Tommy Williams, Division of Communications  
FROM: Nonnye Grant, Division of Records and Reporting  
RE: Returned Mail

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We have received returned mail from the United States Post Office on the following Company:

TELNEX, INC. - TI042

The Post Office returned the mail on the above Company stating the following reason(s):

\_\_\_\_\_ Addressee Unknown  
\_\_\_\_\_ Attempted - Not Known  
\_\_\_\_\_ Box Closed - No Order  
XXX Forwarding Order Expired  
\_\_\_\_\_ Insufficient Address  
\_\_\_\_\_ Moved, Left No Forwarding Address  
\_\_\_\_\_ No Forward Order on File  
\_\_\_\_\_ No Mail Receptacle/Vacant  
\_\_\_\_\_ No Such Person or Number  
\_\_\_\_\_ No Such Office in State  
\_\_\_\_\_ No Such Street  
\_\_\_\_\_ Not at this Address  
\_\_\_\_\_ Refused  
XXX Return to Sender  
\_\_\_\_\_ Unable to Forward  
\_\_\_\_\_ Unable to Locate  
\_\_\_\_\_ Unclaimed  
\_\_\_\_\_ Undeliverable as Addressed  
\_\_\_\_\_ Vacant  
\_\_\_\_\_ Verification of Address furnished by Post Office

Tel # disconnected  
3/13

Please furnish us with a current address, both for mail and location. Should you not be able to get a current address, can staff initiate proceedings to have the Company's certificate canceled?

Copy of returned envelope attached for your information.  
/nbg  
Attachment(s)

State of Florida  
**Public Service Commission**

250 Sumner Oak Boulevard  
Tallahassee, Florida 32309-4000



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96 Delmar  
14-

TI042  
TelNet, Inc.  
1915 N. Dale Mabry Highway, Suite 200  
Tampa, FL 33607-2522

TELNO 915 336073007 1190 03/05/97  
FORWARD TIME EXP RTN TO SEND ST 35  
TELNET INC  
115 N MACDILL AVE  
TAMPA FL 33609-1521

3360733609/0330



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RETURNS TO  
SENDER  
FORWARDING ORDER EXPIRED

TALLAHASSEE  
FEB 10 '97

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TelNex, Inc.  
1915 N. Dale Mabry Highway, Suite 200  
Tampa FL 33607-2522



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

October 4, 1996

### CERTIFIED

TELNEX, INC.  
Mr. Wayne Hancock  
1915 N. Dale Mabry Highway, Suite 200  
Tampa, FL 33607-2522

RE: Returned Mail/Change of Address

Please be advised that it appears that you are in violation of Rule 25-24.480(3)(a)(b), Florida Administrative Code, Records & Reports; Rules Incorporated.

(3) Each company shall file updated information for the following items with the Division of Records and Reporting within 10 days after such changes occur.

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code.

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the Florida operations of the certificated company.

Please forward this information by **October 18, 1996**, or you may fax this information (904-413-6747) on company letter head to our Division of Records and Reporting, Ms. Nonnye Grant, or we will start proceedings to cancel your certificate.

Sincerely

A handwritten signature in black ink, appearing to read "Tom Williams".

Thomas E. Williams, III  
Engineer  
Bureau of Service Evaluation

TEW/tew  
cc: Pruitt

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From: Nancy Pruitt  
To: Rick Moses  
Subject: TelNex, Inc.  
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-----NOTE-----10/04/96-12:29pm-----  
This company has never responded to a February Consumer Affairs inquiry. In March it was discovered that their phone and fax numbers were disconnected. In May the company was sent a certified letter. The receipt was never returned. I have received this complaint to review. Today I called the company and the number listed in MCD is still disconnected. The company code is TI042.  
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