



Public Service Commission

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

DATE: AUGUST 27 1997
TO: STEVE TRIBBLE, DIRECTOR, DIVISION OF ADMINISTRATION
FROM: WILLIAM P. COX, STAFF COUNSEL *WPC* *MCB*
 DIVISION OF LEGAL SERVICES
RE: DOCKET NO. 961480-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST RAMCOM GROUP INC. 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.

On February 26, 1997, the Commission issued Proposed Agency Action Order No. PSC-97-0228-FOF-TI to require Ramcom Group, Inc. (Ramcom) to show cause why the company should not be fined up to \$25,000 per day for providing debit card service without a certificate and not responding to Commission staff's inquiries, violations of Rules 25-24.470 and 25-4.043, Florida Administrative Code. The Post Office subsequently returned to the Commission the certified copy of the Order to Show Cause on March 25, 1997.

Despite several attempts on May 9, 1997, and May 23, 1997, Commission staff was unsuccessful in obtaining a new address or telephone number for Ramcom or its representative, Maurice E. Faure. Commission staff utilized both Directory Assistance and the Internet in these searches.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- OTH _____

On July 7, 1997, the Commission issued Final Order No. PSC-97-0809-FOF-TI fining Ramcom \$25,000 for its rule violations. The Post Office also returned to the Commission the certified copy of this order. The Commission has had no further contact with Ramcom, and Commission staff has been unsuccessful in locating the company or its representative as of this date.

We have determined that we have made a reasonable effort to collect this fine. Therefore, we submit this matter to your office for approval to forward the account to the Department of Banking and Finance, Comptroller's Office, for further collection efforts or permission to write-off the account.

Please find the following attached hereto:

- (a) Order No. PSC-97-0228-FOF-TI
- (b) Order No. PSC-97-0809-FOF-TI
- (c) State of Florida Office of the Comptroller
Accounts Receivable Transmittal

DOCUMENT NUMBER-DATE
 08683 AUG 27 97

August 27, 1997
Memo - Steve Tribble
Re: Docket No. 961480-T1
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Ramcom's last known mailing address according to the Division of Corporation's records on September 11, 1996, was:

Mr. Marcelo E. Faure
Ramcom Group, Inc.
1110 Brickell Avenue, #806
Miami, Florida 33131

WPC/clp

Enclosures - 3

cc: Division of Records and Reporting
Division of Communications (P. Isler)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause)	DOCKET NO. 961480-TI
proceedings against Ramcom)	ORDER NO. PSC-97-0228-FOF-TI
Group, Inc. for violation of)	ISSUED: February 26, 1997
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.)	

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

I. BACKGROUND

Initially, we obtained a debit card identified as "GlobalTel Debit Card". Ramcom Group, Inc. (Ramcom), the company providing the debit card, is not certificated as an interexchange carrier in Florida. As a result, we wrote Ramcom a certified letter on July 10, 1996, asking for information about its operations in Florida and informing the company that an IXC certificate may be required for its operations. We requested a written response by July 25, 1996. A Ramcom representative called us on July 15, 1996, to discuss its operations. Based on the representative's description, we advised Ramcom that it appeared certification was required. An IXC certificate application was mailed to the company for completion on that same day.

On August 15, 1996, we wrote Ramcom another certified letter, explaining that the application had not been received, and

requesting that the application be returned by August 28, 1996. This letter was returned unclaimed and marked "Out of Business" by the Post Office on September 11, 1996.

Subsequently, we found a different address for Ramcom through the Secretary of State, Division of Corporations. We then mailed another certified letter on September 11, 1996, requesting a response from Ramcom by September 26, 1996. The Post Office notified us on September 19, 1996, that the letter was delivered to the new address and signed for by the company. Ramcom, however, has failed to respond.

II. Alleged Violation

Rule 25-24.470, Florida Administrative Code, states:

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

In addition, Rule 25-24.480 (1)(a), Florida Administrative Code, incorporates Rule 25-4.043, Florida Administrative Code, and states that:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

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Upon consideration, it appears the company is providing long distance service through the use of debit cards in violation of Rule 25-4.470, Florida Administrative Code, requiring a certificate of public convenience and necessity. Also, the company's failure to respond to staff's most recent inquiry appears to be a violation of Rule 25-4.043, Florida Administrative Code.

III. Conclusion

Accordingly, pursuant to Chapter 364.285, Florida Statutes, we order Ramcom Group to show cause why a fine of up to \$25,000 per day should not be imposed each day it is determined to be in violation of Rules 25-24.470 and 25-4.043, Florida Administrative Code. In the event the company is fined, the monies shall be forwarded to the Office of the Comptroller for deposit in the General Revenues Fund pursuant to Section 364.285(1), Florida Statutes.

This docket shall remain open pending resolution of the show cause process. We order Ramcom Group, Inc. to respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order. The company's response must contain specific allegations of facts and law. If Ramcom Group, Inc. fails to respond, such failure shall be deemed an admission of all facts contained in this Order and the waiver of a right to a hearing.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, pursuant to Chapter 364.285, Florida Statutes, Ramcom Group, Inc. show cause, in writing, why a fine of up to \$25,000 per day should not be imposed each day it is determined to be in violation 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. It is further

ORDERED that in the event the company is fined, the monies shall be forwarded to the Office of the Comptroller for deposit in the General Revenues Fund pursuant to Section 364.285(1), Florida Statutes. It is further

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ORDERED that Ramcom Group, Inc.'s response shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order within 20 days of its issuance in the manner herein prescribed shall constitute an admission of the violations described in the body of this Order, and waiver of the right to a hearing.

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By ORDER of the Florida Public Service Commission, this 26th
day of February, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: /s/ Kay Flynn
Chief, Bureau of Records

This is a facsimile copy. A signed
copy of the order may be obtained by
calling 1-904-413-6770.

(S E A L)

WPC

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 18, 1997.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Ramcom Group, Inc. 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.

DOCKET NO. 961480-TI
ORDER NO. PSC-97-0809-FOF-TI
ISSUED: July 7, 1997

The following Commissioners participated in the disposition of this matter:

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

FINAL ORDER DETERMINING FINE

BY THE COMMISSION:

I. BACKGROUND

By Order No. PSC-97-0228-FOF-TI, issued February 26, 1997, we 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 our staff's inquiries. The Post Office subsequently returned to us the certified copy of the Order to Show Cause.

Our staff has been unsuccessful in obtaining a new address or telephone number for Ramcom Group. This Order addresses the appropriate fine for Ramcom Group's rule violations.

II. DISCUSSION

Our staff obtained a debit card identified as "GlobalTel Debit Card." On July 10, 1996, our staff wrote Ramcom Group, Inc. (Ramcom), requesting information about its Florida operations, and advising that certification may be required.

After receiving our staff's letter, a Ramcom representative called on July 15, 1996, and discussed its operations. Based on Ramcom's description of its operations, our staff advised Ramcom that it appeared it must become certificated. That same day, our staff mailed the company an application.

Ramcom did not return the application; therefore, our 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, our 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 our staff's letter or completed and returned the application.

On February 26, 1997, we 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 us the certified copy of the Order on March 25, 1997, and marked it "Returned to Sender" with no other explanation. Our 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. Directory Assistance informed our staff it did not have a listing for either. In addition, on May 23, 1997, our staff searched the internet concerning Ramcom, but was unsuccessful in obtaining any information.

III. CONCLUSION

In previous dockets involving companies operating without a certificate and not responding to our staff's inquiries, fines and settlements have ranged up to \$40,714. Therefore, in view of Ramcom Group's failure to respond to the certified copy of the Show Cause Order No. PSC-97-0228-FOF-TI and our staff's inquiries, we believe a fine of \$25,000 is appropriate. The fine amount shall 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. Upon receipt of the fine or referral to the Comptroller's Office for further collection efforts, this docket shall be closed.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Ramcom Group, Inc. is hereby fined in the amount of \$25,000 for its violations of Rules 25-24.470 and 25-4.043, Florida Administrative Code. It is further

ORDERED that the fine shall 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, within 30 days of the date this Order becomes final. It is further

ORDERED that this docket shall be closed upon payment of the fine or referral by the Commission to the Comptroller's Office for further collection efforts.

By ORDER of the Florida Public Service Commission, this 7th day of July, 1997.

/s/ Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

(S E A L)

WPC

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater 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 Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

**STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
BUREAU OF AUDITING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL**

(PLEASE PRINT OR TYPE)

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION

DATE: August 27, 1997

CONTACT: EVELYN H. SEWELL, CHIEF, BUREAU OF FISCAL SERVICES

PHONE NUMBER: 488-4733

SAMAS ACCOUNT CODE: 61 20 2 301001 610000 00 310200
61 20 2 573003 610000 00 000300
61 74 1 000331 610000 00 001200

DOCKET NO. 961480-TI RAMCOM GROUP, INC.

AGENCY REFERENCE#	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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1110 Brickell Avenue, # 806, Miami, Florida 33131
LAST KNOWN ADDRESS (INCLUDE ZIP)

HOME TELEPHONE	WORK TELEPHONE	PRINCIPAL AMOUNT	<u>\$25,000.00</u> RECEIVED / DEBITED FINE	<u>\$25,000.00</u> TOTAL
		<u>Chapter 364.01, 364.285, and 364.338, Florida Statutes</u>	<u>July 7, 1997</u>	<u>8</u>
		PENALTY/INTEREST AUTHORITY	DATE DEBT INCURRED	DEBT TYPE

Fine by the Florida Public Service Commission for violations of Rules 25-24.470, 25-4.043
DEBT DESCRIPTION, e.g., DRIVER LICENSE, SALARY OVERPAYMENT, PROPERTY DAMAGE Florida Administrative Code.

ADDITIONAL INFORMATION, e.g., DATE OF BIRTH, DRIVER LICENSE NUMBER, ETC.