

Director, Division of Records & Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Response to Order no PSC-97-1046-PCO-TI
Docket 970870-T1

In response to you allegations that BizNet has violated rules of the Public Service Commission specifically rule 25-24.470 and Rule 24-4.043 BizNet responds as follows:

In response to rule 25-24.470, BizNet does not provide intrastate interchange telephone service in the State of Florida. We have absolutely no facilities, lines or equipment in the State of Florida, nor have we every had. Therefore this Rule is not even applicable to BizNet. You make a statement that BizNet is listed as the service provider on cards distributed by First Choice. We never printed any cards for First Choice. It is a common business practice in the prepaid card industry to sell PINs in large quantities so that distributors can receive better prices on their printing. It is apparent to us that First Choice sold cards that were never activated, because they were never paid for, but yet still sold these cards to consumers. It is outrageous that you are trying to hold us responsible for the fraudulent acts of others.

Furthermore it appears that the three alleged violations of this rule for which you received verbal complaints from consumers were from people who did not purchase the cards in Florida, nor did they attempt to use their cards in Florida. If you have evidence to the contrary we expect to be provided with appropriate documentation.

It is our contention that there is no jurisdiction in this matter and that BizNet is not required to file for a certificate as it is not providing the services which you allege.

In response to Rule 25-4.043 we have responded to all written inquires received by BizNet. We have never received any documentation which supports your allegations. We have not intentionally disregarded communications from your staff.

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

Although we are sure that your staff is well intended to protect consumer rights in your state, you have produced no tangible evidence that BizNet has violated your statutes. We suggest that First Choice is the appropriate party for you to deal with as they are the ones who printed, sold and collected money for the cards in question. We too were cheated by First Choice, a fact that seems to have gotten lost in shuffle.

In summary, BizNet is not required to obtain a certificate, as it does not provide intrastate services within the State of Florida.

We will respond to any written request for information in a reasonable period of time

BizNet, Inc.
Tulsa, OK

DOCUMENT NUMBER-DATE

09851 SEP 25 5

FPSC-RECORDS/REPORTING