

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Nationwide Communications of Michigan, Inc. for apparent violation of Rule 25-24.630, F.A.C., Rate and Billing Requirements, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

DOCKET NO. 971317-TP  
ORDER NO. PSC-98-1651-AS-TP  
ISSUED: December 8, 1998

The following Commissioners participated in the disposition of this matter:

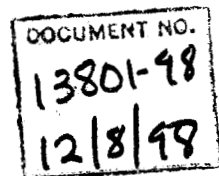
JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

Nationwide Communications of Michigan, Inc. (Nationwide), is an interexchange carrier and provides long distance services under Certificate No. 3950. By Order No. PSC-98-0121-PCO-TP, issued January 22, 1998, this Commission ordered Nationwide to show cause in writing why it should not be fined for its apparent violations of Rules 25-4.0161, 25-4.630, and 25-4.043, Florida Administrative Code. Nationwide responded to the show cause and stated that overcharge problems were due to a virus in its computer system which corrupted the rate table data base. That the problem has been corrected. On July 29, 1998, Nationwide provided additional information, estimating the amount of overcharges from January, 1996, to December, 1997, to be \$5,863.17.

On November 4, 1998, Nationwide submitted its offer to settle, which is attached and incorporated herein as Attachment A. The offer states as follows:

1. Nationwide will refund customers the aggregate sum of \$6,768.98, representing \$5,863.17 of overcharges, plus \$905.81



of interest, through credits issued during the period of December 1, 1998, through February 28, 1999.

2. Nationwide will provide a monthly refund report to the Commission during the refund period.
3. Nationwide will forward all amounts remaining unrefunded to the Commission for deposit in the General Revenue Fund by June 1, 1999.
4. Nationwide will make a voluntary contribution in the amount of \$2,750 to the General Revenue Fund of the State of Florida within five days of this Order becoming final.

We accept Nationwide's offer of settlement. Nationwide has been cooperative in resolving all issues. Therefore, we find the settlement agreement as summarized above to be fair and reasonable, and we support the voluntary contribution to the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, in the amount of \$2,750. This docket shall remain open pending completion of refunds.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the November 4, 1998, offer of settlement by Nationwide Communications of Michigan, Inc., is hereby approved. It is further

ORDERED that Nationwide Communications of Michigan, Inc., shall refund customers the aggregate sum of \$6,768.98, representing overcharges plus interest, through credits issued during the period of December 1, 1998, through February 28, 1999. It is further

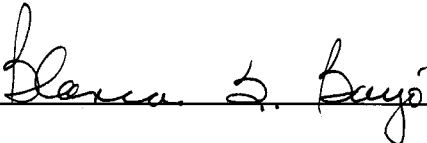
ORDERED that Nationwide Communications of Michigan, Inc., shall provide a monthly refund report to the Commission during the refund period described above. It is further

ORDERED that Nationwide Communications of Michigan, Inc., shall forward all amounts remaining unrefunded to the Commission for deposit in the General Revenue Fund by June 1, 1999, and shall make a voluntary contribution in the amount of \$2,750 to the General Revenue Fund of the State of Florida within five days of this Order becoming final. It is further

ORDER NO. PSC-98-1651-AS-TP  
DOCKET NO. 971317-TP  
PAGE 3

ORDERED that this docket shall remain open pending completion of refunds.

By ORDER of the Florida Public Service Commission this 8th day of December, 1998.



---

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CB

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.

ORDER NO. PSC-98-1651-AS-TP  
DOCKET NO. 971317-TP  
PAGE 4

ATTACHMENT A

JEFFREY A. ISHBIA  
MICHAEL A. GAGLEARD  
DAVID A. MONROE  
MARK W. CHERRY  
PHILIP C. WAGLENNHAC  
FRANK J. LAMUCCA  
CHRISTOPHER P. CLARK  
DONALD A. GURST  
PETER K. MCARDY

ISHBIA & GAGLEARD, P.C.  
ATTORNEYS AND COUNSELORS  
MERRILLWOOD BUILDING  
251 MERRILL STREET, SECOND FLOOR  
BIRMINGHAM, MICHIGAN 48009

(448) 547-8550  
(800) 447-8280  
FAX (448) 547-8550

November 4, 1998

VIA FACSIMILE (850) 413-8547  
AND FIRST CLASS MAIL

Ms. Kelly Biegalski  
Regulatory Analyst II  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **Nationwide Communications of Michigan, Inc.**

Dear Ms. Biegalski:

With respect to the complaint that has been filed against Nationwide Communications of Michigan, Inc., please accept this letter as a settlement proposal, designed to resolve the complaint, and the vagaries of litigation, notwithstanding Nationwide's insistence that at all times its actions were proper and within the applicable rule of law.

In an effort to fully and completely resolve the issues raised in Staff's complaint, Nationwide agrees to:

- Refund to consumers the aggregate sum of Six Thousand Seven Sixty Eight and 98/100 (\$6,768.98) Dollars, representing claimed overcharges plus interest, through credit issued in during the period of December 1, 1998 through February 28, 1999, inclusive;
- Provide a Monthly refund report to the Commission, during the refund period described above;
- Forward to the Commission, by June 1, 1999, all amounts remaining unrefunded from the aggregate fund described above;
- Pay to the Commission the amount of Two Thousand Seven Hundred Fifty (\$2,750.00) Dollars within five (5) days of the Commission's order in this matter becoming final.

ORDER NO. PSC-98-1651-AS-TP  
DOCKET NO. 971317-TP  
PAGE 5

ATTACHMENT A

Ms. Kelly Biegalski  
Re: Nationwide Communications, Inc.  
November 4, 1998  
Page 2

---

As before, this settlement proposal is being made with the intent and understanding that there will be no findings of fault or error being made against Nationwide, and with Nationwide specifically denying the substantive allegations contained in Staff's complaint.

Please advise me, at your soonest convenience, whether this settlement proposal is acceptable to the Commission. Thank you for your anticipated cooperation in this regard.

Very truly yours,

ISHBIA & GAGLEARD, P.C.

  
Philip Cwaggenberg

PC/cma

cc: Mr. Richard Makens  
Jeffrey A. Ishbia, Esq.

PHILIP C WAGGENBERG

Electronic filing  
Corrected by her at 4:33PM  
RECEIVED-FPSC  
Law

M E M O R A N D U M

December 7, 1998

98 DEC -7 PM 3:04

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BEDELL) *CB MCB*

RE: DOCKET NO. 971317-TP - Initiation of show cause proceedings against Nationwide Communications of Michigan, Inc. for apparent violation of Rule 25-24.630, F.A.C., Rate and Billing Requirements, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

*AS*  
*98-1051-FOF-TP*

Attached is an Order Approving Settlement, with attachment, to be issued in the above-referenced docket. (Number of pages in order - 5)

CB/slh  
Attachment  
cc: Division of Communications (Biegalski)  
I:971317.cb

*see 2*

*RAR mailed*

**ATTACHMENT(S) NOT ON-LINE**

Requisition for Photocopying and Mailing

Number of Originals 5 Date 12/14/98 Copies Per Original 14

Requested By [Signature]

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 98-11651 In Docket No. 97/317  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	<u>Commission Offices</u>	---	_____
<u>(2)</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>3</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 1163 Verified By [Signature]  
Date and Time Completed 12/14 Job Checked For Correctness and Quality (Initial) ☺

Mail Room Verification

Date Mailed / Verified By /