

NOWALSKY, BRONSTON & GOTHARD RECEIVED

A Professional Limited Liability Company
Attorneys at Law

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

3500 N. Causeway Boulevard
Suite 1442
Metairie, Louisiana 70002
Telephone: (504) 832-1984
Facsimile: (504) 831-0892

Monica R. Borne
Blaise Ann G. Sands

99 JUL 20 AM 9:55
MAIL ROOM

July 19, 1999

DEPOSIT

DATE

D171

JUL 20 1999

VIA AIRBORNE EXPRESS

State of Florida
Records and Reporting Division
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Settlement of Value Tel Complaint - Docket No. 981869-TI

Dear Sir or Madam:

Enclosed please find our check in the amount of \$500.00 payable to the General Revenue Fund for settlement of Value Tel complaint - Docket No. 981869-TI.

If you have any questions, please do not hesitate to contact me.

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAW _____
- OTH _____

Sincerely yours,

L. Nowalsky

Leon L. Nowalsky *rh*

LLN/rph

DOCUMENT NUMBER-DATE
08590 JUL 20 99
TPSO-RECORDS/REPORTING

RAR
Kelly Brezels

NOWALSKY, BRONSTON & GOTHARD, APLLC
GENERAL ACCOUNT
3500 N. CAUSEWAY, SUITE 1442
METAIRIE, LA 70002
(504) 832-1984

IBERIA BANK
GRETNA, LA 70053
84-7038/2654

4575

7/19/1999

PAY TO THE ORDER OF FLORIDA GENERAL REVENUE FUND

\$ **500.00

Five Hundred and 00/100*****

DOLLARS
Security features
Included.
Details on back.

MEMO Filing Fees - Value Tel

W. L. ...

NOWALSKY, BRONSTON & GOETHALP RECEIVED

A Professional Limited Liability Company
Attorneys at Law

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

3500 N. Causeway Boulevard
Suite 1442
Metairie, Louisiana 70002
Telephone: (504) 832-1984
Facsimile: (504) 831-0892

99 JUL 20 AM 9:56
Monica R. Borne
Blaise Ann G. Sands

MAIL ROOM

July 19, 1999

DEPOSIT

DATE

D171

JUL 20 1999

VIA AIRBORNE EXPRESS

State of Florida
Records and Reporting Division
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Settlement of Value Tel Complaint - Docket No. 981869-TI

Dear Sir or Madam:

Enclosed please find our check in the amount of \$500.00 payable to the General Revenue Fund for settlement of Value Tel complaint - Docket No. 981869-TI.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

L. Nowalsky
Leon L. Nowalsky *rh*

LLN/rph

Enclosure

cc: Kelly Biegalski, Florida PSC
Tim Sledz, Value Tel

RAR
Ke 22y Biegalski

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Value Tel, Inc. for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required; Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection; and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 981869-TI
ORDER NO. PSC-99-1238-AS-TI
ISSUED: June 22, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING MOTION FOR EXTENSION OF TIME
AND APPROVING SETTLEMENT

BY THE COMMISSION:

On January 4, 1995, Value Tel, Inc. (Value Tel) obtained Interexchange Telecommunications certificate number 3962. On September 23, 1997, by Order No. PSC-97-1099-FOF-TI, in Docket No. 970942-TI, we canceled Value Tel's certificate for failure to pay regulatory assessment fees, including statutory penalties and interest.

On May 26, 1998, our Division of Communications received a complaint against Value Tel from Mr. Paul Zimmerman of The Office Suite regarding the apparent unauthorized change of long distance service. On February 26, 1999, by Order No. PSC-99-0414-SC-TI in this docket, we ordered Value Tel to show cause in writing within 21 days of the date of the Order why it should not be fined \$25,000

for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, \$10,000 for apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll or Toll Provider Selection, and \$10,000 for failure to comply with Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

On March 19, 1999, Value Tel timely responded to our Order to Show Cause by filing a Motion for Extension of Time. By letter dated April 2, 1999, reiterated on May 5, 1999, Value Tel submitted an offer to pay \$500 in settlement, to credit Mr. Zimmerman's account and to cease all collection efforts against Mr. Zimmerman. Value Tel has indicated that it is no longer providing telecommunications services in the State of Florida.

We believe it is appropriate to grant Value Tel's motion for an extension of time. Value Tel timely responded to our Order by filing the motion. The ongoing settlement negotiations with our staff are the asserted grounds for Value Tel's request. These negotiations have successfully resulted in a settlement offer by Value Tel. Accordingly, we hereby grant Value Tel's motion for an extension of time.

In its settlement offer, Value Tel explains that prior to the certificate cancellation by this Commission, a disagreement arose amongst the shareholders which necessitated the cessation of the ongoing operation of Value Tel. To maintain continuity of service to Value Tel customers, two of the former shareholders took over the billing and customer responsibilities. Value Tel's intent was to continue to provide service to its customers until its operations were properly shut down. In the meantime, Value Tel's certificate was canceled by this Commission by Order No. PSC-97-1099-FOF-TI. Although Value Tel did not solicit any more customers in Florida, Value Tel, in what it believed to be in the best interest of its customers, did continue to provide service to its customers. Since that time, Value Tel has placed its customers with another carrier and is no longer conducting business in the State of Florida.

Value Tel states that it did not inappropriately switch The Office Suite's long distance telephone service. To resolve this matter, however, Value Tel agrees to the following:

- To issue a full credit to Mr. Zimmerman as resolution to the complaint.

ORDER NO. PSC-99-1238-AS-TI
DOCKET NO. 981869-TI
PAGE 3

- To make a voluntary contribution to the General Revenue Fund in the amount of \$500.

Because Value Tel has satisfactorily addressed each of our concerns, we believe the terms of the settlement agreement are fair and reasonable. Thus, we hereby approve the settlement offer and the voluntary contribution to the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, in the amount of \$500.

This docket shall remain open pending the remittance of the \$500 voluntary contribution. Upon remittance of the settlement payment within 5 business days of the date of this order, this docket shall be closed. If Value Tel fails to pay in accordance with the terms of its settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Value Tel, Inc.'s Motion for Extension of Time is hereby granted. It is further

ORDERED that Value Tel, Inc.'s settlement offer, which is contained in Attachment A to this Order and by reference incorporated herein, is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$500 voluntary contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that, upon receipt of the \$500 contribution, this docket shall be closed. It is further

ORDERED that, if Value Tel, Inc. fails to pay the \$500 settlement contribution within five business days from the date of this Order, the monetary settlement will be forwarded to the Office of the Comptroller for collection.

ORDER NO. PSC-99-1238-AS-TI
DOCKET NO. 981869-TI
PAGE 4

By ORDER of the Florida Public Service Commission this 22nd
day of June, 1999.

/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 1-850-413-6770.

(S E A L)

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

JAM

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.