



Public Service Commission

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COMMISSION CLERK

DATE: FEBRUARY 21, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: OFFICE OF THE GENERAL COUNSEL (KNIGHT) *WCK*
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (M. WATTS) *WATTS*

RE: DOCKET NO. 991936-TI - INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST WESTERN TELECOM FOR APPARENT VIOLATION
OF RULE 25-24.470, F.A.C., CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY REQUIRED, RULE 25-4.043, F.A.C.,
RESPONSE TO COMMISSION STAFF INQUIRIES, AND SECTION
364.604, F.S., BILLING PRACTICES.

AGENDA: 03/05/02 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\991936CD.RCM

CASE BACKGROUND

- February 8, 2000 - The Commission issued Order No. PSC-00-0261-SC-TI ordering Western Telecom to show cause why it should not be fined for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Section 364.604, F.S., Billing Practices; to cease providing service and billing in Florida; ordering all interexchange companies to cease providing service to Western Telecom; and ordering refunds with interest.
- May 2, 2000 - Western Telecom did not respond to Order No. PSC-00-0261-SC-TI, so staff sent the necessary documents to

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the Office of the Comptroller for collection of the fines imposed by the Commission.

- January 16, 2001 - The Office of the Comptroller issued a letter approving staff's request to write off Western Telecom's debt as uncollectible.
- January 2001 to January 2002 - Staff attempted several times to locate the principals of Western Telecom, but were unsuccessful.

The Commission is vested with jurisdiction over these matters pursuant to Sections 364.01, 364.285, 364.33, 364.335 and 364.604, Florida Statutes. Accordingly, staff believes the following recommendation is appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes.

STAFF ANALYSIS: According to Order No. PSC-00-0261-SC-TI, issued February 8, 2000, Western Telecom was ordered to do the following:

- Show cause why it should not be fined for apparent violation of Commission rules;
- Cease providing telecommunications services in Florida;
- Cease all back-billing and all future billing in Florida until authorized to do so by this Commission; and
- Refund, with interest, all Florida customers who were billed for services provided by Western Telecom prior to certification.

Western Telecom never responded to the Order or paid the fines, and the fines were sent to the Office of the Comptroller for collection. The Order required that Docket No. 991936-TI remain open pending completion of the refund. Western Telecom has not fully complied with the Order.

Based on consumer complaints filed with the Commission, it appears that Western Telecom has ceased providing telecommunications services and billing in Florida. The last consumer complaint against the company was received on August 15, 2000. The complaint records show that all of the Florida complainants received either a refund or a zero balance on their accounts, which were then closed.

Staff received information in May 2001 of a possible address in Florida occupied by Western Telecom. Staff visited the address in early June 2001, but did not find evidence of Western Telecom's presence. Staff interviewed tenants of the office complex to see if anyone remembered Western Telecom being there. A business owner in an adjacent facility reported that Western Telecom had been there but had vacated the property approximately six months earlier.

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Based on the aforementioned circumstances, staff believes that it serves no purpose for Docket No. 991936-TI to remain open and recommends that this docket be closed.