

State of Florida



Public Service Commission
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TALLAHASSEE, FLORIDA 32399-0850

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DATE: AUGUST 7, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (PRUITT) &
OFFICE OF THE GENERAL COUNSEL (TEITZMAN) AT *plc*

RE: DOCKET NO. 021149-TI - APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY
INTELAONE COMMUNICATIONS, INC.

DOCKET NO. 021247-TI - APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY
HOSTING-NETWORK, INC.

AGENDA: 08/19/03 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\021149.RCM

CASE BACKGROUND

In 2002 the above referenced companies submitted incomplete or inaccurate applications for certification to provide interexchange telecommunications service (IXC) within the State of Florida. Each company was sent a certified letter requesting completion and/or correction of their respective application. As of the date of this recommendation, neither company has responded.

DOCUMENT NUMBER-DATE

07012 AUG-18

FPSC-COMMISSION CLERK

Docket No. 021149-TI

On November 14, 2002, IntelOne Communications, Inc. (IntelOne) filed an application to provide interexchange telecommunications service in Florida. IntelOne is a corporation organized and formed under the laws of the State of Delaware. A review of the application revealed that the company's filing at the Florida Department of State, Division of Corporations, was inactive, and IntelOne was not qualified to transact business in Florida.

Staff also discovered that the President of IntelOne was listed in this Commission's Master Directory as the President and Chief Executive Officer of another company, Lyxom, Inc. That company's IXC and CLEC certificates were canceled for nonpayment of regulatory assessment fees.

On November 15, 2002, January 9, 2003, and March 18, 2003, staff spoke with the company's consultant in Winter Park, Florida, concerning the application. On April 7, 2003, staff called the consultant and was informed that his e-mails and calls to the company were not returned.

On April 7 and 15, 2003, staff called the company and each time reached a recording that the number was temporarily disconnected.

On April 15, 2003, staff sent a certified letter to the company president informing him of staff's concerns and attempts to contact him. Staff requested a response by April 25, 2003. The signed verification card for the delivered certified letter was returned by the Post Office.

Docket No. 021247-TI

In November 2002, Hosting-Network, Inc. was notified by certified letter that it was providing interexchange telecommunications service within Florida without appropriate authorization. On December 16, 2002, the company filed an application to provide interexchange telecommunications service in Florida. A review of the application revealed that the company had neglected to mention that it was currently providing service for

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prepaid debit cards and had made many errors in its proposed tariff, including neglecting to provide rates for the prepaid debit cards.

On January 28, 2003, staff called the number listed on the application and left a message for the listed company liaison that corrections were needed. On February 3, 2003, staff called again and was told the liaison was out of the country. On March 24, 2003, staff called the number listed on the application and reached a recording that this was Edison Telephone and to call an 800 number. That same day staff sent an e-mail to the liaison requesting a working number and stating that the application could not be processed until corrections were made.

On March 26, 2003, staff called the 800 number for Edison Telephone and reached the company liaison. Since he did not have the application at hand, he agreed to call staff at 10AM the next day. He indicated that he had received staff's e-mail but was too busy to respond.

On March 27, 2003, the company liaison did not call staff. At 11AM staff sent an e-mail asking when a return call to review the deficiencies in the application and tariff could be expected.

On April 15, 2003, staff sent a certified letter to the company liaison informing him of staff's concerns and attempts to contact him. The Post Office made three attempts (April 17, April 26, and May 2) to deliver the letter. It was returned to the Commission stamped "UNCLAIMED."

On April 29, 2003, a second certified letter was sent to the company concerning uncertificated activity. That letter was returned to the Commission stamped "REFUSED."

Currently, the company holds competitive local exchange (CLEC) Certificate No. 7840. Staff notes for informational purposes that the CLEC's regulatory assessment fee for 2002 has not been paid. In May the company's consumer liaison called inquiring about transferring their CLEC certificate and was informed that staff would be recommending that their application for an IXC certificate be denied due to the company's failure to provide staff with a complete and accurate application. As of the date of this recommendation, the company has not responded.

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On May 23, 2003, the Tele-Competition Innovation and Infrastructure Enhancement Act (Act) took effect. IXCs are no longer subject to Section 364.337(3), Florida Statutes, pertaining to certification.

The Commission is vested with jurisdiction in this matter pursuant to Section 364.02, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should Docket No. 021149-TI and Docket No. 021247-TI be closed with no action taken?

RECOMMENDATION: Yes. Both companies in the referenced dockets filed incomplete and inaccurate applications for certification as interexchange telecommunications companies in 2002, and have not provided staff with the information required in Section 364.02, Florida Statutes, as amended by the Act, for registration. (Pruitt)

STAFF ANALYSIS: The companies in Docket No. 021149-TI and Docket No. 021247-TI were informed that staff would recommend that their applications be denied if the requested information was not provided. Staff does not believe it would be appropriate at this time to register the two companies in accordance with the new Act since the companies have not provided the information required for registration.

Therefore, staff recommends that a final Order be issued, closing Docket No. 021149-TI and Docket No. 021247-TI with no action taken and without prejudice to submit the required information and register pursuant to the Tele-Competition Innovation and Infrastructure Enhancement Act.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. These dockets should be closed after the issuance of a final order. (Teitzman)

STAFF ANALYSIS: Upon the issuance of a final order, these dockets should be closed.