

State of Florida



ORIGINAL

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: March 15, 2004
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Kiwanis L. Curry, Regulatory Analyst I, Division of Competitive Markets & Enforcement
RE: Docket No.040162-TI, PHI Telecommunications Corporation

Please add the following documents to Docket No. 040162-TI.

- 1) Certified letter dated August 29, 2003.
- 2) Certified letter dated December 9, 2003.
- 3) Copy of the December 11, 2003, Facsimile Transmission Verification Report.
- 4) Certified letter dated December 30, 2003.
- 5) Copy of the December 31, 2003, Facsimile Transmission Verification Report.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
DPC _____
MMS _____
SEC J
DTH _____

DOCUMENT NUMBER-DATE

03453 MAR 15 3

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

August 29, 2003

PHI Telecom
PO Box 610419
Bayside, NY 11361

Dear Sirs:

The Florida Public Service Commission (Commission) received a complaint against PHI Telecom (PHI) (Enclosure 1) from Mr. Juan Morgan, regarding the purchase of a phone card titled "OSG Florida." According to Mr. Morgan, on several occasions when he attempted to use the phone card his calls were not connected and several minutes were deducted each time, despite his calls not having connected. When he called the customer service number listed on the card, he was informed that the minutes would be added back to his card, however he has yet to receive the credit. Please investigate this complaint, contact Mr. Morgan, and submit a written response to this complaint. The response should verify that Mr. Morgan was contacted and that his complaint has been resolved. Also, provide an explanation of why the account balance was reduced for the incomplete calls and why the calls were not completed. You may fax your response to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us.

In addition, PHI has not provided the Commission with the company's contact information. Section 364.02(13)(g), Florida Statutes (F.S.), requires each intrastate interexchange telecommunications company to provide the Commission with information to contact and communicate with the company. Please complete and submit the contact information requested on the enclosed form (Enclosure 2). Also, Section 364.04, F.S., requires that all telecommunications companies providing services within the state of Florida file a tariff with the Commission. The tariff should include the rates, tolls, rentals, contracts, and charges of the company for the services to be performed within the state. A sample tariff and a tariff checklist are enclosed to assist you (Enclosure 3). Please submit the contact information and the tariff to the following address:

Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

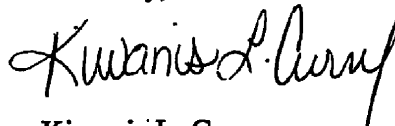
PHI Telecom
Page 2
August 29, 2003

In conclusion, the following information should be submitted by **September 19, 2003**:

- (1) A written response to Mr. Morgan's complaint verifying that he has been contacted and his complaint has been resolved.
- (2) Company contact information and tariff.

If you have any questions or concerns, please feel free to contact me at (850) 413-6662.

Sincerely,



Kiwanis L. Curry
Bureau of Service Quality

Enclosures (3)

- 1) Copy of Complaint
- 2) IXC Registration Form
- 3) Sample Tariff and Tariff Checklist

cc: J. Gilchrist
Florida Department of Revenue

TMS #642

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

December 9, 2003

Via Certified Mail and Facsimile

(718) 225-5600

718-225-1403

Mr. Peter P. Sicilian Jr
PHI Telecommunications Corp.
42-40 Bell Boulevard
Bayside, NY 11361

Dear Mr. Sicilian:

The Commission has received a complaint filed by Mr. Juan Morgan regarding the purchase of a prepaid phone card titled "OSG Florida." On August 29, 2003, a copy of this complaint (Enclosure 1) was sent to PHI Telecommunications Corp.'s (PHI's) post office box address, but was returned unclaimed. According to Mr. Morgan, on several occasions when he attempted to use the phone card his calls were not connected and several minutes were deducted each time, despite his calls not having connected. When he called the customer service number listed on the card, he was informed that the minutes would be added back to his card; however, he has yet to receive the credit. At this time, staff request that you investigate this complaint, contact Mr. Morgan, and submit a written response to this complaint. The response should verify that Mr. Morgan has been contacted and that his complaint has been resolved. Your response should also provide an explanation of why the account balance was reduced for the incomplete calls and why the calls were not completed. You may fax your response to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us.

In addition, PHI has not filed a tariff or provided the Commission with the company's current contact information. Section 364.02(13)(g), Florida Statutes (F.S.), requires each intrastate interexchange telecommunications company to provide the Commission with information to contact and communicate with the company. Please complete and submit the contact information requested on the enclosed IXC Registration Form (Enclosure 2). Also, Section 364.04, F.S., requires that all telecommunications companies providing services within the state of Florida file a tariff with the Commission. The tariff should include the rates, tolls, rentals, contracts, and charges of the company for the services to be performed within the state. A sample tariff and a tariff checklist are enclosed to assist you (Enclosure 3). Please submit the IXC Registration Form and the tariff to the following address:

Mr. Peter P. Sicilian Jr
Page 2
December 9, 2003

Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Please understand that if PHI fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

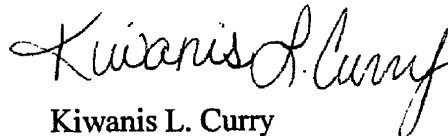
The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

In conclusion, to avoid potential penalties the following information should be submitted to the Commission by **December 29, 2003**:

- 1) A written response to Mr. Morgan's complaint
- 2) Completed IXC Registration Form and tariff

If you have any questions or concerns, please feel free to contact me at (850) 413-6662.

Sincerely,



Kiwanis L. Curry
Bureau of Service Quality

Enclosures (3)

TMS # 850

TRANSMISSION VERIFICATION REPORT

TIME : 12/11/2003 16:17
NAME : PSC
FAX : 4137077
TEL : 4137077

DATE, TIME	12/11 16:08
FAX NO./NAME	617182251403
DURATION	00:09:22
PAGE(S)	29
RESULT	OK
MODE	STANDARD ECM

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

December 30, 2003

Via Certified Mail and Facsimile
(718) 225-1403

Mr. Peter P. Sicilian Jr.
PHI Telecommunications Corp.
42-40 Bell Boulevard
Bayside, NY 11361

Re: Complaint 549264T

Dear Mr. Sicilian:

The purpose of this letter is to provide PHI Telecommunications Corp. (PHI) a final opportunity to respond to the letter (Enclosure 1) that was sent to you dated December 9, 2003, regarding a complaint filed by Mr. Juan Morgan. The deadline for you to respond to the letter was December 29, 2003. To date, our records indicate that PHI has not responded. Staff requests that you investigate Mr. Morgan's complaint and submit a written response verifying that Mr. Morgan has been contacted and that his complaint has been resolved. You may fax your response to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us.

In addition, PHI has not provided the Commission with the company's current contact information. Section 364.01(13)(g), Florida Statutes (F.S.), requires each intrastate interexchange telecommunications company to provide the Commission with information to contact and communicate with the company. Please complete and submit the contact information requested on the enclosed IXC Registration form (Enclosure 2). Also, Section 364.04 F.S., requires that all telecommunications companies providing services within the state of Florida file a tariff with the Commission. The tariff should include the rates, tolls, rentals, contracts, and charges of the company for the services to be performed within the state. A sample tariff and a tariff checklist are enclosed to assist you (Enclosure 3). Please submit the contact information and the tariff to the following address:

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Tallahassee, Florida 32399-0870

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An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Mr. Peter P. Sicilian Jr
Page 2
December 30, 2003

Please understand that if PHI fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

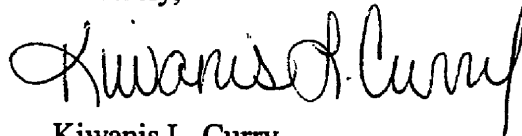
The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

In conclusion, to avoid potential penalties the following information should be submitted to the Commission by **January 16, 2004**:

- 1) A written response to Mr. Morgan's complaint
- 2) Completed IXC Registration Form and tariff

If you have any questions or concerns, please feel free to contact me at (850) 413-6662.

Sincerely,



Kiwanis L. Curry
Bureau of Service Quality

Enclosures (3)

cc: Florida Department of Revenue
J. Gilchrist
TMS #934

TRANSMISSION VERIFICATION REPORT

TIME : 12/31/2003 09:40
NAME : PSC
FAX : 4137077
TEL : 4137077

DATE, TIME	12/31 09:39
FAX NO./NAME	617182251403
DURATION	00:01:06
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM