

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of THE HOGAN COMPANY	)	DOCKET NO. 901010-TI
d/b/a INTERWATS against CORPORATE	)	
TELEMANAGEMENT GROUP and UNIVERSAL	)	ORDER NO. 24833
COMMUNICATIONS NETWORK, INC. and	)	
request for order to cease and desist	)	ISSUED: 7/19/91
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 MICHAEL MCK. WILSON

ORDER ACCEPTING WITHDRAWAL OF COMPLAINT  
AND CLOSING DOCKET

BY THE COMMISSION:

On December 26, 1990, the Hogan Company d/b/a Interwats (Hogan) filed a complaint against the Corporate Telemanagement Group (CTG) and Universal Communications Network, Inc. (Universal), alleging that Universal, acting as CTG's agent, was improperly and without the customers' knowledge, transferring Hogan's customers to CTG. Hogan's complaint was based upon the systematic transfer of 160 of its customers to CTG within a two month period. Hogan's petition requested that CTG and Universal be ordered to show cause why they transferred Hogan's customers to CTG without the customers' specific knowledge and authorization, and why that conduct should not be terminated, and that the Commission order CTG to show cause why it is operating as an interexchange carrier without proper certification.

CTG responded that it had not intentionally participated in the unauthorized switching of customers from Hogan. Universal's response denied any agency relationship with CTG or Hogan. Subsequent interrogatories revealed that Universal had been established to deal only with Hogan, and that a corporation named Unicom was formed to obtain customers for CTG. Neither Universal nor Unicom are certificated by this Commission.

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In April 1991, CTG compiled, for Hogan's inspection, service applications of the Hogan customers that had transferred service to CTG. After reviewing the applications, Hogan determined that while the bulk of the applications were prepared by Universal, there was nothing therein to indicate that CTG could not accept them as bona fide applications. However, Hogan was unable to ascertain if the ballots were authentically signed by or authorized by Hogan's customers.

On June 4, 1991, Hogan withdrew its complaint against CTG, stating that Hogan was satisfied that CTG was not an active or knowing participant in any unauthorized switching of Hogan's customers to CTG. CTG has since applied for and been granted an IXC certificate. Both CTG and Hogan acknowledge that CTG has severed its relationship with Unicom. We believe that since CTG no longer has a relationship with Unicom, it is not necessary to proceed with Hogan's complaint against Universal. Docket No. 910673-TI has been opened to address the issues relating to Universal's operation as a noncertificated IXC.

We find that Hogan's decision to withdraw its complaint against CTG is appropriate and hereby accept it. In the absence of customer complaints, we do not believe there is evidence of slamming. Instead, this appears to be a case of subscribers exercising their choices in the highly competitive long distance resellers market. Additionally, we shall address Universal's operations in Docket No. 910673-TI.

Based on the foregoing, it is

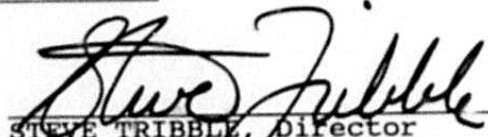
ORDERED by the Florida Public Service Commission that the Hogan Company d/b/a Interwats' withdrawal of its complaint against Corporate Telemanagement Group is hereby accepted. It is further

ORDERED that the operations of Universal Communications Network, Inc. shall be addressed in a separate docket. It is further

ORDERED that this docket is hereby closed.

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By ORDER of the Florida Public Service Commission, this 19th  
day of JULY, 1991.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 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 or sewer 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

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notice of appeal must be in the form specified in Rule 9.900 (a),  
Florida Rules of Appellate Procedure.