

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 921180-TI
proceedings against MATRIX) ORDER NO. PSC-93-0580-AS-TI
TELECOM for violation of Rule) ISSUED: April 14, 1993
25-4.118, F.A.C., Interexchange)
Carrier Selection.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

FINAL ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

On February 3, 1993, we issued Order No. PSC-93-0171-FOF-TI which required Matrix Telecom (Matrix or the Company) to show cause why it should not be fined or have its certificate revoked for violation of Rule 25-4.118(1), Florida Administrative Code, which provides in pertinent part that "[t]he primary interexchange company of a customer shall not be changed without the customer's authorization." The show cause addressed 34 complaints against the Company filed between January 15, 1992, and December 8, 1992.

The Company has refunded appropriate charges to affected customers, facilitated a return to the customer's carrier of choice, and implemented procedures to verify 100% of its sales in order to preclude future instances of unauthorized carrier changes. The Company also has agreed to pay a \$6,000 penalty for violation of Commission rules. Under the circumstances, we approve the following settlement in response to Order No. PSC-93-0171-FOF-TI:

1. Matrix agrees to pay a \$6,000 penalty for violation of Commission rules. The penalty is to be paid within 30 days of the issuance of a Commission order approving a settlement in Docket No. 921180-TL.
2. Matrix has cooperated fully with the Commission, has implemented procedures to prevent future violations, and has acted diligently to fairly resolve consumer complaints.

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3. If the Commission receives a significant number of consumer complaints, for violations which occur after the implementation of the Company's new procedures (October, 1992), staff will recommend another show cause proceeding.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement in response to Order No. PSC-93-0171-FOF-TI is hereby approved as set forth in the body of this Order. It is further

ORDERED that this docket shall be closed upon receipt of the \$6,000.00 penalty.

By ORDER of the Florida Public Service Commission this 14th day of April, 1993.



STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

CWM

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.

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