

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 930261-TI  
proceedings against SONIC ) ORDER NO. PSC-93-1799-AS-TI  
COMMUNICATIONS, INC. for ) ISSUED: December 20, 1993  
violation of Rule 25-4.118, )  
F.A.C., interexchange carrier )  
selection. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

FINAL ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

On October 7, 1993, the Commission issued Order No. PSC-903-1455-FOF-TI which required Sonic Communications, Inc. (Sonic or the Company) to show cause why it should not be fined pursuant to Section 364.285, Florida Statutes, or have its certificate cancelled for submitting unauthorized PIC changes in violation of Rule 25-4.188, Florida Administrative Code. Since the response was filed, the Company has filed an offer of settlement which is addressed in this Order.

The Company's response to the show cause was filed one day late which, pursuant to the Order, results in the Company's certificate being cancelled without further Commission action. However, it appears that the Company made a good faith effort to timely file its response. According to the Company, the response was not timely filed due to an error by a "runner" who made a mistake at the post office. It appears that the Company intended to file the response on time and we do not find it appropriate to cancel the Company's certificate as a result of the runner's error.

It has been determined that events which lead to each of the slamming complaints involving Sonic customers resulted from calls to an 800 number during the summer of 1992, which was prior to the Company's certification. Sonic has acknowledged that the 800 number method it used to obtain customers in the summer of 1992 was defective and the Company has ceased using this method of solicitation. Sonic has refunded charges and re-rated calls for those customers who complained that they were slammed. In its response to the show cause Order, Sonic asserts that it currently employs a customer signed affirmation of carrier choice. We have

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not received complaints from any Sonic customers solicited in this manner.

Having resolved its solicitation difficulties, Sonic wishes to conclude this matter. To this end, the Company has offered to pay an assessment of \$70,000 in the following manner:

\$15,000 to be paid on January 5, 1994  
\$15,000 to be paid on February 1, 1994  
\$15,000 to be paid on March 1, 1994  
\$15,000 to be paid on April 1, 1994  
\$10,000 to be paid on May 1, 1994

Upon review, we find that payment of the assessment fairly resolves the matter. We shall accept the Company's offer with the understanding that failure to adhere to the payment schedule shall result in automatic revocation of the Company's certificate without further Commission action. Timeliness shall be determined by the date stamped on payments by our Division of Records and Reporting date stamp.

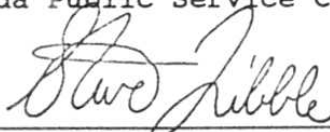
Therefore, it is

ORDERED by the Florida Public Service Commission that the late response of Sonic to Order No. PSC-903-1455-FOF-TI is accepted. It is further

ORDERED that the Company's offer to pay an assessment of \$70,000 is approved. It is further

ORDERED that this docket shall remain open until the \$70,000 assessment is paid in full. Once the final payment is received, the docket shall be closed without further Commission action. If Sonic fails to timely make any payment, Certificate Number 3144 shall be cancelled without further Commission action and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 20th day of December, 1993.



STEVE TRIBBLE, Director  
Division of Records and Reporting

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