

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 940028-TI
Public Service Commission of) ORDER NO. PSC-94-0283-FOF-TI
Certificate No. 3495, Issued to) ISSUED: March 10, 1994
Connect 1 Telecommunications,)
Inc., for Violation of Rule 25-)
24.485, F.A.C., Tariffs)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING CERTIFICATE NO. 3495

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Connect 1 Telecommunications, Inc. (Connect 1 or Company) is the current holder of Interexchange Telecommunications Certificate No. 3495. By letter dated October 25, 1993, the Staff of this Commission informed Burl Eddy, the President of Connect 1, that certain corrections needed to be made to Connect 1's tariff. Mr. Eddy failed to respond to Staff's letter. On November 8, 9, 12 and 15, 1993, Staff telephoned Connect 1 at its Tampa office. Each time, Staff received a recording and left a message. On November 8 and 9, Connect 1's recording stated simply that its personnel were out of the office. On November 12, the Company's recording stated that its personnel would be out of the office until November 15. On November 15, 1993, Staff again telephoned Connect 1 and received the same recording.

On November 16, 1993, Staff telephoned Connect 1 and again received the message that Company personnel was out of the office until November 15. However, later that day, Merritt Jesson, who is listed in the Company's application as Chief Executive Officer of

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the Company, telephoned Staff and stated that Mr. Eddy was attending a trade show, but would be back in a day or two. Mr. Jesson also assured Staff that the tariff changes would be filed promptly.

By certified letter to Mr. Eddy, dated November 17, 1993, Staff confirmed its conversation with Mr. Jesson. Staff also attached a copy of its October 25 letter. Mr. Eddy did not respond to this letter. On November 29 and December 1, 1993, Staff again telephoned Connect 1. On both occasions, Staff spoke with a Bob White, who identified himself as an officer of the Company, and informed him that it was urgent that the tariff sheets be corrected. Staff asked Mr. White to have either Mr. Eddy or Mr. Jesson return the call. Staff's calls were not returned.

By certified letter dated December 3, 1993, Staff informed Mr. Eddy that it would recommend that Connect 1's be cancelled if the tariff corrections were not submitted by December 10, 1993. Staff sent a copy of the letter to Mr. Jesson. Somebody signed for the letter sent to Mr. Eddy on December 7, 1993; however, Staff's November 17 letter was subsequently returned as "unclaimed". In addition, Staff's December 3 letter to Mr. Jesson was also returned as "unclaimed".

Pursuant to Rules 25-4.043 and 25-24.480(1)(a), Florida Administrative Code, interexchange telecommunications providers are required to respond to Commission Staff inquiries within fifteen days of the date of the inquiry. Under Rule 25-24.474(1)(b), Florida Administrative Code, this Commission may cancel an interexchange telecommunications provider's certificate, on our own motion, for any violation of a Commission rule or order. Since Connect 1 has not responded to Staff's inquiries regarding its tariff, it appears to be in violation of Rules 25-4.043 and 24.480(1)(a), Florida Administrative Code. Moreover, since Connect 1 has failed to file appropriate tariff pages, it also appears to be in violation of Rule 25-24.485, Florida Administrative Code. Accordingly, we find it appropriate to cancel Certificate No. 3495.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 3495, issued to Connect 1 Telecommunications, Inc., be and is hereby cancelled. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of

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Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 10th day of March, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

by: Kay Hegan
Chief, Bureau of Records

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 31, 1994.

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.