

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation to) DOCKET NO. 951039-TI
determine if certificated) ORDER NO. PSC-95-1447-FOF-TI
companies should discontinue) ISSUED: November 28, 1995
providing intrastate)
interexchange telecommunications)
service to Smart Business)
Network for violation of Rule)
25-24.470, F.A.C., Certificate)
of Public Convenience and)
Necessity Required.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING DISCONTINUANCE OF SERVICE

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.

In March, 1995, our Division of Consumer Affairs received a complaint that a customer's long distance service provider was changed without authorization to Tel-Save, Inc. d/b/a Network Services. Network Services informed us that it did not provide service to the customer's number. It provides billing services for the carrier, Smart Business Network. Our staff investigation indicated that Smart Business Network does not hold a Certificate of Public Convenience and Necessity to provide interexchange telecommunications service.

Rule 25-24.470, Florida Administrative Code, requires any company providing interexchange telecommunications service in Florida obtain a Certificate of Public Convenience and Necessity from this Commission. On April 10, 1995, our staff mailed Smart Business Network a certified letter informing the company that it may be in violation of Rule 25-24.470, Florida Administrative Code,

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and provided an application for a certificate. The certified mail receipt was signed and returned, indicating Smart Business Network had received the information. Smart Business Network did not respond to the letter.

Pursuant to Rule 25-24.4701(3), Florida Administrative Code, we can order all certified interexchange companies to discontinue service to a company that is unlawfully providing service. Smart Business Network has failed to respond to our staff in a timely manner and is apparently violating of Rule 25-24.470, Florida Administrative Code, by providing service without a certificate. Accordingly, we order all certificated telecommunications companies to discontinue providing intrastate interexchange telecommunications service to Smart Business Network.

It is, therefore,

ORDERED by the Florida Public Service Commission that Smart Business Network is apparently violating Rule 25.24.470, Florida Administrative Code, by providing intrastate interexchange telecommunications service without a Certificate of Public Convenience and Necessity. It is further

ORDERED that all certificated telecommunications companies are to discontinue service to Smart Business Network for its apparent violation of Rule 25.24.470, Florida Administrative Code, effective the date this Order becomes final. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order shall become final on the following date, and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 28th day of November, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)
LMB