

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Cancellation by Florida) DOCKET NO. 960816-TI
Public Service Commission of) ORDER NO. PSC-96-1134-FOF-TI
Interexchange Telecommunications) ISSUED: September 9, 1996
Certificate No. 4039 issued to)
WEXL Telecom, Inc. for violation)
of Rules 25-24.480(1)(a) and 25-)
24.480(3)(a), F.A.C., Reporting)
Requirements.)
_____)

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 IMPOSING FINE OR CANCELLING CERTIFICATE

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.

Certificate number 4039 was issued to WEXL Telecom, Inc. (WEXL) on June 28, 1995. Subsequently, the Division of Consumer Affairs referred seven complaints to Communications to which WEXL did not respond. Consumer Affairs asked that Communications staff take appropriate action.

The Division of Communications attempted to reach WEXL. However, the telephone number of WEXL listed in the Master Commission Directory had been changed to a toll-free number. Staff then attempted unsuccessfully to reach WEXL on the toll-free number and received a recording stating that the call could not be completed as dialed.

DOCUMENT NUMBER-DATE

09529 SEP-96

FPSC-RECORDS/REPORTING

Rule 25-24.474(1)(b), Florida Administrative Code, provides that an Interexchange Telephone Company's certificate can be cancelled for failing to comply with any Commission rule. By failing to inform this Commission of changes in address and telephone number and ignoring the lawful staff inquiries, WEXL is in violation of Rule 25-24.474(1)(b), Florida Administrative Code.

Further, Rule 25-24.480(3)(a) and (b), Florida Administrative Code, provides that an Interexchange Telephone Company must inform this Commission within 10 days if there is a change in the company name, its address, its telephone number, or its Commission contact person. By failing to inform this Commission of changes in address and telephone number, WEXL is in apparent violation of Rule 25-24.480(3)(a) and (b), Florida Administrative Code.

Accordingly, we order that WEXL's certificate as an Interexchange Telephone Company be cancelled unless it provides the Commission with the information required by Rule 25-24.480(3)(a) and (b), Florida Administrative Code, and pays a \$5,000 fine within 30 days of the date this Order becomes final. If WEXL fails to comply with this Order, its certificate will be cancelled and this docket will be closed.

If WEXL Telecom, Inc.'s certificate is cancelled, all certificated interexchange telecommunication companies should be ordered to discontinue service to WEXL, in accordance with Rule 25-24.4701(3), Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that WEXL Telecom, Inc., pay a \$5,000 fine and provide the Commission with the information required by Rule 25-24.480(3)(a) and (b), Florida Administrative Code, within 30 days of the date this Order becomes final. It is further

ORDERED that if WEXL Telecom, Inc., complies with this Order, that this docket will be closed. It is further

ORDERED that if WEXL Telecom, Inc., does not comply with this Order, its certificate will be cancelled and this docket will be closed. It is further

ORDERED that if WEXL Telecom, Inc.'s certificate is cancelled, all certificated interexchange telecommunications companies are ordered to discontinue providing interexchange telecommunications service to WEXL Telecom, Inc. It is further

ORDER NO. PSC-96-1134-FOF-TI
DOCKET NO. 960816-TI
PAGE 3

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 Further Proceedings or Judicial Review, below, this Order shall become final.

By ORDER of the Florida Public Service Commission, this 9th day of September, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

(S E A L)

SCL

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 30, 1996.

ORDER NO. PSC-96-1134-FOF-TI
DOCKET NO. 960816-TI
PAGE 4

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 substantially 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.