

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 3588 issued to  
Caribbean Telephone and  
Telegraph, Inc. d/b/a TLC - The  
Long Distance Company for  
violation of Rule 25-4.043,  
F.A.C., Response to Commission  
Staff Inquiries, and Rule 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees.

DOCKET NO. 970776-TI  
ORDER NO. PSC-97-1019-FOF-TI  
ISSUED: August 26, 1997

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER  
CANCELING CERTIFICATE AND REQUIRING ALL  
CERTIFICATED INTEREXCHANGE TELECOMMUNICATIONS  
PROVIDERS TO DISCONTINUE 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.

This docket was initiated to consider canceling this entity's  
certificate of public convenience and necessity authorizing the  
provision of interexchange telecommunications service(IXC).  
Caribbean Telephone and Telegraph, Inc., d/b/a TLC - The Long  
Distance Company (Caribbean) currently holds certificate number  
3588, issued by this Commission on October 21, 1994. On April 5,  
1996, Caribbean filed for Chapter 11 bankruptcy. The case was

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converted from Chapter 11 to Chapter 7 bankruptcy on March 31, 1997. We mailed a certified letter to Caribbean on March 17, 1997, to determine the status of Caribbean's operations. This letter was returned by the U.S. Postal Service stamped "refused." We mailed a second certified letter to Caribbean on April 29, 1997. The return receipt was signed on May 7, 1997, but we have yet to receive a response.

We have attempted unsuccessfully to reach Caribbean by calling the telephone number listed for Caribbean on the Internet. This number has been disconnected. The Master Commission Directory has only a fax number listed for Caribbean. Our staff attempted to fax a letter to Caribbean, but the fax number was not answered. On June 5, 1997, we were notified by the Commission's Division of Administration that Caribbean had not submitted its regulatory assessment fees for 1996.

Pursuant to Section 364.285, Florida Statutes, we may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telephone company (IXC) certificate. That rule provides that we may cancel a certificate on our own motion for violation of Commission Rules and Orders.

The return receipt for mail sent to Caribbean has been signed, but to date we have not received a response to our inquiry. Caribbean's telephone number has been disconnected. In addition, Caribbean has not submitted the regulatory assessment fees for 1996, or applicable statutory penalties and interest. In view of these facts, Caribbean is in apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees. However, due to the status of Caribbean's operations, it is unlikely that we will receive any delinquent regulatory assessment fees. Based on Caribbean's lack of response to our inquiries, Caribbean's failure to pay regulatory assessment fees, and the unlikelihood of collecting regulatory assessment fees, we hereby cancel certificate number 3588 issued to Caribbean at the conclusion of the protest period.

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Rule 25-24.4701(3), Florida Administrative Code, states in part:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

If Caribbean's certificate is canceled, any intrastate interexchange service offered by Caribbean will be in violation of Rule 25-24.474, Florida Administrative Code. Since we cannot readily identify which IXC provides service to Caribbean, we shall order all certificated IXCs to discontinue service to Caribbean. Any IXC providing service to Caribbean must contact the Commission at the conclusion of the protest period as set forth in this Order to determine whether the certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Caribbean Telephone and Telegraph, Inc. d/b/a TLC - The Long Distance Company's Interexchange Telecommunications Certificate No. 3588 is canceled for apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees. It is further

ORDERED that all certificated interexchange companies (IXCs) shall discontinue providing interexchange telecommunications service to Caribbean Telephone and Telegraph, Inc. d/b/a TLC-The Long Distance Company. It is further

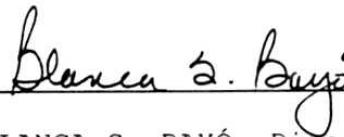
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ORDERED that any IXC providing service to Caribbean Telephone and Telegraph, Inc. d/b/a TLC-The Long Distance Company must contact the Commission at the end of the protest period to determine if the certificate has been canceled. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of August, 1997.



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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

BC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 16, 1997.

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.

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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.