

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against WATS International Corporation for apparent violation of Rules 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required; 25-4.043, Response to Commission Staff Inquiries; and 25-4.480, Records & Reports; Rules Incorporated.

DOCKET NO. 990014-TI  
ORDER NO. PSC-99-0400-SC-TI  
ISSUED: February 24, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER TO SHOW CAUSE

BY THE COMMISSION:

I. BACKGROUND

On June 28, 1993, by Order No. PSC-93-0959-FOF-TI, in Docket No. 930358-TI, the Commission issued certificate no. 3182 to WATS International Corporation (WATS) to provide interexchange telecommunications service in Florida. On October 14, 1997, by Order No. PSC-97-1253-FOF-TI, in Docket No. 971105-TI, we canceled WATS' certificate for failure to pay regulatory assessment fees, statutory penalties and interest.

Although WATS' certificate has been canceled since 1997, our staff has recently received some consumer complaints regarding apparent unauthorized monthly service fees billed to the customers' accounts. A copy of the complaints was faxed to WATS requesting a response within 15 days. WATS did not respond to the initial

DOCUMENT NUMBER-DATE

02398 FEB 24 99

FPSC-RECORDS/REPORTING

request, and our staff then sent a certified letter to the company. The letter was returned by the United States Postal Service stamped "Forwarding Time Expired." In addition, the telephone number listed in the Master Commission Directory has been disconnected and there is no listing with directory assistance.

## II. APPARENT VIOLATIONS

Rule 25-24.470, Florida Administrative Code, states, in pertinent part:

(1) No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission.

Based on the information received from consumers, it appears that WATS is providing telecommunications service in Florida without a certificate, in apparent violation of Rule 25-24.470, Florida Administrative Code.

In addition, Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, states:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Our staff sent a certified letter to WATS on September 29, 1998, with a response date of October 9, 1998. The letter was returned by the United States Postal Service stamped "Forwarding Time Expired". In this regard, it appears that WATS is in violation of Rule 25-4.043, Florida Administrative Code.

Furthermore, Rule 25-24.480, Florida Administrative Code, states:

(2) Each company shall file updated information for the following items with the Division of Communications and the Division of Records and Reporting within 10 days after such changes occur.

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code.

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.

Our staff tried to contact WATS via the telephone number listed in the Master Commission Directory. This telephone number has been disconnected and there is no listing with directory assistance. Therefore it appears that WATS is in violation of Rule 25-24.480, Florida Administrative Code.

### III. CONCLUSION

Pursuant to Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364, Florida Statutes. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally," Barlow v. United States, 32 U.S. 404, 411 (1833). Accordingly, we hereby order WATS to show cause in writing within twenty-one (21) days of the effective date of this Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, \$10,000 for failure to comply with Rule 25-4.043, Florida Administrative Code, and \$500 for failure to comply with Rule 25-24.480, Florida Administrative Code. Failure to respond in a timely manner shall constitute an admission of the violations described above, waiver of the right to a hearing, and will result in the assessment of the appropriate fine.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that WATS International Corporation shall show cause in writing within 21 days of the effective date of the order why it should not be fined

ORDER NO. PSC-99-0400-SC-TI  
DOCKET NO. 990014-TI  
PAGE 4


\$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, \$10,000 for failure to comply with Rule 25-4.043, Florida Administrative Code, and \$500 for failure to comply with Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that any response to the Order to Show Cause filed by WATS International Corporation shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, waiver of right to a hearing, and will result in the automatic assessment of the appropriate fine. It is further

ORDERED that in the event WATS International Corporation fails to respond to this Order and the fines are not received within five business days after the expiration of the show cause response period, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 24th day of February, 1999.



---

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

JAM

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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response 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 March 17, 1999.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING



Date 1-21-11  
Number of Originals 5 Copies Per Original 1  
Requested By [Signature]

Item Presented \_\_\_\_\_  
Agenda For (Date) 1/21/11 Order No. 44440 In Docket No. 110014  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions \_\_\_\_\_

Distribution/Mailing			
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	<u>Commission Offices</u>	<u>--</u>	_____
_____	<u>Docket Mailing List - Mailed</u> <u>sec 1</u>	_____	_____
_____	<u>Docket Mailing List - Forged</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification  
Job Number 237 Verified By [Signature]  
Date and Time Completed 1/21/11 Job Checked For Correctness and Quality (Initial) \_\_\_\_\_

Mail Room Verification  
Date Mailed \_\_\_\_\_ Verified By \_\_\_\_\_