

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Value Tel, Inc. for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required; Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection; and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 981869-TI
ORDER NO. PSC-99-1238-AS-TI
ISSUED: June 22, 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 GRANTING MOTION FOR EXTENSION OF TIME
AND APPROVING SETTLEMENT

BY THE COMMISSION:

On January 4, 1995, Value Tel, Inc. (Value Tel) obtained Interexchange Telecommunications certificate number 3962. On September 23, 1997, by Order No. PSC-97-1099-FOF-TI, in Docket No. 970942-TI, we canceled Value Tel's certificate for failure to pay regulatory assessment fees, including statutory penalties and interest.

On May 26, 1998, our Division of Communications received a complaint against Value Tel from Mr. Paul Zimmerman of The Office Suite regarding the apparent unauthorized change of long distance service. On February 26, 1999, by Order No. PSC-99-0414-SC-TI in this docket, we ordered Value Tel to show cause in writing within 21 days of the date of the Order why it should not be fined \$25,000

DOCUMENT NUMBER-DATE

07524 JUN 22 99

PSC-RECORDS/REPORTING

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for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, \$10,000 for apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll or Toll Provider Selection, and \$10,000 for failure to comply with Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

On March 19, 1999, Value Tel timely responded to our Order to Show Cause by filing a Motion for Extension of Time. By letter dated April 2, 1999, reiterated on May 5, 1999, Value Tel submitted an offer to pay \$500 in settlement, to credit Mr. Zimmerman's account and to cease all collection efforts against Mr. Zimmerman. Value Tel has indicated that it is no longer providing telecommunications services in the State of Florida.

We believe it is appropriate to grant Value Tel's motion for an extension of time. Value Tel timely responded to our Order by filing the motion. The ongoing settlement negotiations with our staff are the asserted grounds for Value Tel's request. These negotiations have successfully resulted in a settlement offer by Value Tel. Accordingly, we hereby grant Value Tel's motion for an extension of time.

In its settlement offer, Value Tel explains that prior to the certificate cancellation by this Commission, a disagreement arose amongst the shareholders which necessitated the cessation of the ongoing operation of Value Tel. To maintain continuity of service to Value Tel customers, two of the former shareholders took over the billing and customer responsibilities. Value Tel's intent was to continue to provide service to its customers until its operations were properly shut down. In the meantime, Value Tel's certificate was canceled by this Commission by Order No. PSC-97-1099-FOF-TI. Although Value Tel did not solicit any more customers in Florida, Value Tel, in what it believed to be in the best interest of its customers, did continue to provide service to its customers. Since that time, Value Tel has placed its customers with another carrier and is no longer conducting business in the State of Florida.

Value Tel states that it did not inappropriately switch The Office Suite's long distance telephone service. To resolve this matter, however, Value Tel agrees to the following:

- To issue a full credit to Mr. Zimmerman as resolution to the complaint.

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- To make a voluntary contribution to the General Revenue Fund in the amount of \$500.

Because Value Tel has satisfactorily addressed each of our concerns, we believe the terms of the settlement agreement are fair and reasonable. Thus, we hereby approve the settlement offer and the voluntary contribution to the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, in the amount of \$500.

This docket shall remain open pending the remittance of the \$500 voluntary contribution. Upon remittance of the settlement payment within 5 business days of the date of this order, this docket shall be closed. If Value Tel fails to pay in accordance with the terms of its settlement offer, the monetary settlement will be forwarded to the Comptroller's office for collection, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Value Tel, Inc.'s Motion for Extension of Time is hereby granted. It is further

ORDERED that Value Tel, Inc.'s settlement offer, which is contained in Attachment A to this Order and by reference incorporated herein, is hereby approved. It is further

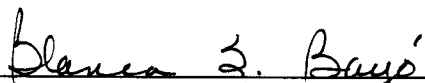
ORDERED that this docket shall remain open pending receipt of the \$500 voluntary contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that, upon receipt of the \$500 contribution, this docket shall be closed. It is further

ORDERED that, if Value Tel, Inc. fails to pay the \$500 settlement contribution within five business days from the date of this Order, the monetary settlement will be forwarded to the Office of the Comptroller for collection.

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By ORDER of the Florida Public Service Commission this 22nd
day of June, 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

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ATTACHMENT A
DOCKET NO. 981869-TI
MAY 20, 1999

NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company
Attorneys at Law

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Monica R. Borne
EllenAnn G. Sands

May 5, 1999

**Via Facsimile Transmission
and U.S. First Class Mail
(850) 413-6547**

Ms. Kelly Biegalski
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: ValueTel: Docket No. 981869-TI

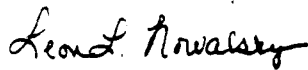
Dear Ms. Biegalski:

In confirmation of our telephone conversation of this date, ValueTel, Inc. is agreeable to paying a fine of \$500.00 to the Florida Public Service Commission (FPSC) in settlement of those issues raised in the above referenced docket.

In addition, ValueTel will credit the outstanding balance owed by Mr. Zimmerman and cease all collection efforts with respect to Mr. Zimmerman's account.

Should you have any questions do not hesitate to call.

Sincerely,


Leon L. Nowalsky

LLN/sw
Enclosure
cc: Tim Sledz

RECEIVED

MAY 10 1999

CMU

MEMORANDUM

June 21, 1999

RECEIVED-FPSC

99 JUN 21 PM 3:54

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MILLER) *Jam CB*

RE: • DOCKET NO. 981869-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST VALUE TEL, INC. FOR APPARENT VIOLATION OF RULE 25-24.470, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED; RULE 25-4.118, F.A.C., LOCAL, LOCAL TOLL, OR TOLL PROVIDER SELECTION; AND RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES.

99-1238-AS

Attached is an ORDER GRANTING MOTION FOR EXTENSION OF TIME AND APPROVING SETTLEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 11) *5*

JAM/anr
 Attachment
 cc: Division of Communications
 I: 981869st.jam

See 1, 2

ATTACHMENT(S) NOT ON-LINE
attachment needs header

3:29

1 - mailed
RAR
6/22/99

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 6/23/99

Number of Originals 5

Copies Per Original 19

Requested By Paul

Item Presented

Agenda For (Date) _____ Order No. 99-1238 In Docket No. 981869
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>5</u>	Commission Offices	---	_____
<u>2</u>	Docket Mailing List - Mailed <u>EAR</u>	_____	_____
_____	Docket Mailing List - Faxed	_____	_____

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

Print Shop Verification

Job Number 228 Verified By Michael
 Date and Time Completed 6/24 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification

Date Mailed / Verified By /