

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against U.S. Operators, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 992030-TI
ORDER NO. PSC-00-0569-AS-TI
ISSUED: March 20, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

On April 17, 1999, U.S. Operators, Inc. (U.S. Operators) obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 6061. On August 5, 1999, our staff sent a certified letter to U.S. Operators, requesting information pertaining to its operator service provider rates listed in its tariff, and requesting a written response by August 20, 1999. The letter was signed for and received by U.S. Operators on August 9, 1999.

After receiving no response to its August 5, 1999, certified letter, our staff opened this docket to require U.S. Operators to show cause why it should not be fined or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. On January 13, 2000, U.S. Operators contacted our staff to discuss the method for settlement of this case. By letter dated January 28, 2000, U.S. Operators submitted its offer to settle, attached hereto as Attachment A and incorporated herein by reference.

In its offer, U.S. Operators provided a response to the information requested in our staff's August 5, 1999, letter and

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proposed a monetary settlement of \$2,500. The company also states that, since it had never offered service in Florida, had no customers in Florida, nor collected any revenues in Florida, it believed that correspondence regarding the tariff did not require immediate attention. The company further states that it now understands the requirement of responding to staff inquiries.

Even though the company does not provide operator services in Florida at this time, it revised its tariff on February 8, 2000, in order to comply with the rate caps implemented on February 1, 1999.

We find the terms of U.S. Operators' offer of settlement to be fair and reasonable, and accordingly, do hereby accept it. The \$2,500 voluntary contribution shall be received by the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. We will then forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

If U.S. Operators fails to pay the \$2,500 voluntary contribution in accordance with the terms of the offer of settlement, the company's certificate shall be canceled, and this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement by U.S. Operators, Inc., which is appended as Attachment A and incorporated herein by reference, is hereby approved. It is further

ORDERED that U.S. Operators, Inc. shall remit the \$2,500 voluntary contribution to the Commission within ten business days from the issuance date of this Order and shall identify the docket number and company name. This voluntary contribution shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. Upon remittance, this docket shall be closed administratively. It is further

ORDERED that if U.S. Operators, Inc. fails to pay in accordance with the terms of the offer of settlement, the company's certificate shall be canceled, and this docket shall be closed administratively.

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By ORDER of the Florida Public Service Commission this 20th
day of March, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DMC

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.

ATTACHMENT A



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Winter Park, FL
32789

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Winter Park, FL
32790-0200

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tmi@tminc.com

January 28, 2000

Ms. Kelly Biegalski
Regulatory Analyst
Bureau of Service Evaluation
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Dear Ms. Biegalski:

U.S. Operators received correspondence from you, dated August 5, 1999, regarding operator services rates the company currently has on file with the Florida Public Service Commission.

Although the company has had a tariff on file in Florida, U.S. Operators has never offered service in the state. The company felt that because it had no customers, did not offer service nor collect revenue in the state of Florida correspondence regarding the tariff did not require immediate attention.

The company understands that a lack of response, regardless of the circumstances, is a violation of Rule 25-4.043 and proposes a settlement in the amount of \$2,500 to be paid the the Florida Public Service Commission general fund for any inconvenience the lack of response causes as well as for the seeming lack of regard, albeit unintentional, on the part of U.S. Operators.

Please provide a response regarding this offer directly to me, or call me at your convenience at 407.740.3005.

Sincerely,

Monique Bynnes
Consultant to U.S. Operators, Inc.

cc: B. Loveless, USOperators
file: USOperators - FL