

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Quintelco, Inc. for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

DOCKET NO. 010194-TI
ORDER NO. PSC-01-1253-PAA-TI
ISSUED: June 5, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELING
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE INVOLUNTARILY

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.

On October 22, 1997, Quintelco, Inc. (Quintelco) obtained Florida Public Service Commission Interexchange (IXC) Telecommunications Certificate Number 5449. During the period of time between April 10, 2000, and November 22, 2000, Quintelco failed to respond within the fifteen (15) working days established in Rule 25-22.032(5)(a), Florida Administrative Code, to four complaints filed with the Commission by customers.

On January 9, 2001, Quintelco filed a Regulatory Assessment Fee Return, reporting \$0 intrastate revenues for 2000. On February 9, 2001, we opened this docket to initiate show cause proceedings against Quintelco for apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints. On March 2, 2001, at Quintelco's request, we faxed the company a list of the four consumer complaints filed with the Commission to which

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Quintelco had not responded. Quintelco responded on March 13, 2001, outlining the actions it had taken to respond to and settle the four past due consumer complaint cases.

On March 14, 2001, Quintelco contacted us seeking information on how to resolve the issues associated with this docket. On March 29, 2001, our Division of Consumer Affairs verified that Quintelco adequately addressed the complaints and they have closed the four past due cases.

On May 3, 2001, we received a letter from Quintelco in which the company stated it had no objection to an involuntary cancellation of its IXC Certificate No. 5449. In the letter, Quintelco noted that it is no longer providing telecommunication services in Florida, therefore serving no customers.

We are vested with jurisdiction over this matter pursuant to Sections 364.183, 364.285 and 364.337, Florida Statutes.

Pursuant to Section 364.285, Florida Statutes, this Commission may impose a fine or cancel a certificate if a company is found to have refused to comply with or to have willfully violated Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telecommunications company certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders. Quintelco has waived any objection to the cancellation of its certificate, and has declined to respond or contest the allegations against it in this proceeding.

Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, states:

The staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) working days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The

response shall also describe all attempts to resolve the customer's complaint.

As of May 7, 2001, there are no new complaints against Quintelco filed with the Commission.

Quintelco has waived its right to object to the involuntary cancellation of IXC Certificate No. 5449, rather than offering a monetary settlement in lieu of showing cause or paying a fine for the apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints.

Therefore, we now, upon our own motion, hereby cancel Quintelco's IXC Certificate No. 5449 for its apparent violation of Rule 24-22.032(5)(a), Florida Administrative Code, Customer Complaints. Quintelco currently serves no customers in Florida, and has resolved all outstanding consumer complaints. Therefore, Certificate No. 5449 is canceled, effective on the issuance date of the Consumating Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, pursuant to Rule 25-24.474, Florida Administrative Code, Quintelco, Inc.'s Interexchange Telecommunications Certificate, Number 5449, is canceled effective on the date of issuance of the Consummating Order, for failure to comply with Rule 25-22.032(5)(a), Florida Administrative Code. It is further


ORDERED that Quintelco, Inc. shall return to this Commission the Order granting authority to provide Interexchange Telecommunications services. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, 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

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

By ORDER of the Florida Public Service Commission this 5th Day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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CLF

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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding,

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in the form provided by Rule 28-106.201, 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 June 26, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.