

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) For apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

DOCKET NO. 990362-TI  
ORDER NO. PSC-02-0147-AS-TI  
ISSUED: February 1, 2002

The following Commissioners participated in the disposition of this matter:

LILA JABER, CHAIRMAN  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER APPROVING VERIZON SELECT SERVICES INC'S SETTLEMENT OFFER

Background

On March 18, 1999, Docket No. 990362-TI was opened, initiating show cause proceedings against Verizon Select Services Inc. (VSSI) for unauthorized carrier changes (slamming) in apparent violation of Rule 25-4.118, Florida Administrative Code. On November 23, 1999, VSSI submitted a settlement offer to resolve the alleged slamming violations, and on December 16, 1999, a revised settlement offer was submitted.

On January 14, 2000, the Office of Public Counsel (OPC) filed a Notice of Intervention. Order No. PSC-00-0966-PCO-TI was issued on May 18, 2000, acknowledging intervention of the Citizens of the State of Florida by and through OPC. On July 26, 2000, we issued Proposed Agency Action (PAA) Order No. PSC-00-1348-PAA-TI approving Verizon's settlement offer to resolve the issues in this docket. On August 16, 2000, however, the OPC filed a protest of PAA Order No. PSC-00-1348-PAA-TI and a petition requesting a hearing pursuant to Section 120.57, Florida Statutes.

Following several continuances of the hearing date, on December 10, 2001, prior to the completion of a hearing before this

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Commission, VSSI and OPC filed a joint settlement agreement to resolve all issues in this docket.

### Discussion

In their joint settlement agreement, VSSI and OPC agreed that VSSI will make a monetary contribution of \$1,100,000 to the General Revenue Fund, to be paid no later than 30 days after the issuance of this Order. The company has proposed this settlement to resolve the issues in Docket No. 990362-TI, Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, Florida Administrative Code, Local, Local Toll, or Toll Provider Selection.

We find this to be a fair and just resolution to the issues presented in this Docket. We also note that VSSI has corrected the activities which gave rise to the apparent violations which resulted in this Docket being opened.

### Finding

We hereby accept the provisions of the Settlement Agreement, whereby VSSI will pay a settlement of \$1,100,000 into the General Revenue Fund. The contribution shall be received by this Commission no later than thirty days from the issuance of this Order, and shall identify the docket number and company name. This Commission shall forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the provisions of the Settlement Agreement as set forth in the body of this Order are hereby approved. It is further

ORDERED that the \$1,100,000 contribution shall be received by this Commission no later than thirty days from the issuance of this Order, and shall identify the docket number and company name. This Commission shall forward the contribution to the Office of the

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Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that all pending motions in this Docket are rendered moot by the issuance of this Order. It is further

ORDERED that this Docket be closed administratively upon receipt of the \$1,100,000 contribution.

By ORDER of the Florida Public Service Commission this 1st Day of February, 2002.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

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 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.

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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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.