

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation
of Telecore Communications,
Corp. for apparent violation of
Rule 25-24.910, F.A.C.,
Certificate of Public
Convenience and Necessity
Required, and Rule 25-4.043,
F.A.C., Response to Commission
Staff Inquiries.

DOCKET NO. 020665-TI
ORDER NO. PSC-03-0128-AS-TI
ISSUED: January 23, 2003

The following Commissioners participated in the disposition of
this matter:

BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES DAVIDSON

ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

Background

From January 9, 2002, through June 17, 2002, our Staff sent two certified letters, one letter, several facsimiles, and made several phone calls to Telecore Communications, Corp. (Telecore) requesting replies to consumer complaints and inquiring into the company's failure to obtain an interexchange company (IXC) certificate to provide IXC telecommunications and prepaid calling services in Florida. The company failed to respond to those inquiries or submit its certificate application. Accordingly, on July 9, 2002, this docket was opened to address Telecore's apparent violation of Rule No. 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule

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25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

On September 9, 2002, Proposed Agency Action Order No. PSC-02-1231-PAA-TI was issued, imposing penalties against Telecore in the total amount of \$35,000: \$25,000 for failure to comply with Rule 25-24.470 and \$10,000 for failure to comply with Rule 25-4.043. On September 26, 2002, Telecore filed a petition for a formal hearing in this docket. From October 1, 2002, through November 25, 2002, our Staff and legal counsel for Telecore conducted discussions to resolve the issues in this docket. It was eventually agreed that Telecore was part of the corporate structure of Orion Telecommunications, Corp. (Orion), holder of IXC certificate No. 8042.

On November 26, 2002, Telecore submitted the company's settlement proposal to resolve the issues in this docket. Thereafter, on December 24, 2002, in Docket No. 021260-TI, Telecore submitted a request for a name change on certificate No. 8042, issued to Orion Telecommunications, Corp., to add Telecore Communications, Corp. as a d/b/a on the certificates. The Company offered to make a voluntary contribution to the State General Revenue Fund in the amount of \$15,000 - \$10,000 for its failure to comply with Rule 25-24.910, Florida Administrative Code, and \$5,000 for its failure to comply with Rule 25-4.043, Florida Administrative Code.

The Commission is vested with jurisdiction over these matters pursuant to Sections 364.183, 364.285, and 364.337, Florida Statutes. Further, these findings are consistent with prior Commission actions on similar issues in previous dockets.

Analysis

As detailed above, we penalized Telecore a total of \$35,000 for failing to comply with Rule Nos. 25-24.910 and 25-4.043, Florida Administrative Code. Subsequent to its requesting a hearing, Orion admitted that the entity known as Telecore was part of its own corporation and that to resolve the apparent rule violations, it would add Telecore Communications, Corp. as a doing-

business-as name to its existing certificate. We granted Orion IXC certificate No. 8042 on July 2, 2002, in Docket No. 011661-TI.

In an effort to resolve the apparent violation of Rule Nos. 25-24.910 and 25-4.043, Florida Administrative Code, the company made its settlement proposal as follows, agreeing to:

- Make a voluntary contribution to the State General Revenue Fund in the amount of \$15,000 - \$10,000 for its failure to comply with Rule 25-24.910, Florida Administrative Code, and \$5,000 for its failure to comply with Rule 25-4.043, Florida Administrative Code.
- File immediately [with the Florida Secretary of State] to do business as "Telecore Communications, Corp."
- Apply to the Commission for approval to modify its certificated name to include Telecore Communications, Corp. as a d/b/a.

The monetary amount of Telecore's settlement proposal is consistent with other settlement proposals we have accepted in previous dockets for the same rule violations. In addition, in Docket No. 021260-TI, the company filed its request to add Telecore Communications, Corp. as a d/b/a to certificate No. 8042. We note, also, that Telecore has already filed the appropriate d/b/a with the Florida Secretary of State. Further, Telecore has resolved all consumer complaints filed with the Commission against the company. Therefore, we find that Telecore has taken the necessary actions to correct the problems causing the apparent rule violations and we should accept the company's settlement proposal.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed settlement offer submitted by Telecore Communications, Corp., as set forth in the body of this Order, is hereby approved. It is further

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ORDERED that the \$15,000 contribution shall be received by this Commission no later than 14 calendar days from the issuance of this Order and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund. The payment shall identify the docket number and company name. It is further

ORDERED that if the company's payment is not received within fourteen calendar days after the issuance of this Order, IXC certificate No. 8042 shall be cancelled and Telecore Communications, Corp. shall immediately cease and desist providing prepaid calling services and IXC telecommunications services in Florida.

ORDERED that this docket be closed administratively upon either receipt of the \$15,000 contribution or upon cancellation of the company's certificate.

By ORDER of the Florida Public Service Commission this 23rd Day of January, 2003.

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

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

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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 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.