

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tel-Tec, Inc. for apparent violation of Section 364.02, Florida Statutes, Definitions, and Section 364.04, Florida Statutes, Schedules of Rates, Tolls, Rentals, Contracts, and Charges; Filing; Public Inspection.

DOCKET NO. 030964-TI  
ORDER NO. PSC-04-0304-PAA-TI  
ISSUED: March 18, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACCEPTING TEL-TEC, INC. SETTLEMENT OFFER TO DISCONTINUE  
PROVIDING IXC SERVICE IN FLORIDA

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.

I. CASE BACKGROUND

On December 4, 2002, our staff received a consumer complaint in which the complainant claimed that the consumer's long distance service was switched without his authorization. Our staff determined that Tel-Tec, Inc. (Tel-Tec) was the company responsible for the switch and is providing intrastate interexchange telecommunications service in Florida without obtaining an interexchange telecommunications company (IXC) certificate.

On January 27, 2003, the complaint was resolved to the customer's satisfaction and closed. Subsequently, on April 18, 2003, our staff received a facsimile of Tel-Tec's application for a certificate, but, Tel-Tec did not send the original application and \$250.00 application fee to this Commission as was required.

DOCUMENT NUMBER-DATE

03626 MAR 18 04

FPSC-COMMISSION CLERK

On July 21, 2003, our staff sent Tel-Tec a letter via certified mail and facsimile. The letter advised the company of the changes in the Florida Statutes whereby the requirement for IXCs to obtain a certificate was eliminated. The letter also notified the company that IXCs are still required to file a tariff and register with this Commission. Our staff requested that Tel-Tec submit its tariff and a completed registration form by August 11, 2003.

October 10, 2003, our staff opened this docket to address Tel-Tec's apparent violation of Sections 364.02 and 364.04, Florida Statutes. On December 22, 2003, PAA Order PSC-03-1443-PAA-TI was issued imposing a \$25,000 penalty on Tel-Tec for apparent violation of Sections 364.02 and 364.04, Florida Statutes. On that same day, December 22, 2003, Tel-Tec submitted a settlement letter, dated December 16, 2003, proposing to resolve the issues in this docket.

On January 15, 2004, Tel-Tec submitted a letter, dated January 14, 2004, protesting PAA Order PSC-03-1443-PAA-TI and proffering a settlement to resolve the issues in this docket.

We are vested with jurisdiction over this matter pursuant to Sections 364.02, 364.04, and 364.285, Florida Statutes.

## II. DISCUSSION OF ISSUES

We accept Tel-Tec's settlement offer to discontinue providing intrastate interexchange telecommunications service in Florida, effective February 27, 2004, and immediately notify all customers that they must find another service provider. The company should also be required to provide our staff with a report by March 31, 2004, confirming that it is no longer providing service in Florida.

Tel-Tec is an Indiana-based company that provides long distance service primarily in Indiana. However, by its own admission, Tel-Tec is providing intrastate interexchange telecommunications service on a limited basis in Florida and has not provided this Commission with current contact information, nor filed a tariff with this Commission in apparent violation of Sections 364.02(13), and 364.04, Florida Statutes. To resolve this matter, Tel-Tec offers the following:

1. Discontinue providing intrastate interexchange telecommunications service in Florida, effective February 27, 2004.
2. Immediately notify all customers via letter that they must find another service provider.

3. Acknowledge that, in the future, if Tel-Tec elects to provide intrastate interexchange telecommunications service in Florida and fails to obtain the necessary regulatory approval, it will be subject to the penalty provisions of Section 364.285, Florida Statutes.

Tel-Tec states in its settlement letter that it is currently serving three (3) customers in Florida and it would not be economically feasible for the company to continue to provide service in Florida. Tel-Tec further states that all of its sales and marketing efforts are confined within the state of Indiana and it has no intentions of expanding its customer base in Florida. Also, Tel-Tec acknowledged that it is aware of the penalty provisions of Section 364.285, Florida Statutes, and understands that it is subject to potential monetary penalties should the company provide intrastate interexchange telecommunications service after February 27, 2004, without obtaining the necessary regulatory approval pursuant to this Commission's rules and Florida Statutes. Further, the company has agreed to provide our staff with a report by March 31, 2004, confirming that it is no longer providing service in Florida.

### III. Conclusion

We find that Tel-Tec is not marketing its services in Florida and is providing long distance service to only three winter residences as a courtesy to its Indiana customers. Since Tel-Tec has committed to discontinue providing intrastate telecommunications service to its three customers, we believe that this is appropriate to accept the company's settlement proposal.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that Tel-Tec, Inc.'s settlement proposal is accepted; therefore, the company must discontinue providing intrastate interexchange telecommunications service in Florida.

ORDERED that Tel-Tec provide our staff with a report by March 31, 2004, confirming that it is no longer providing service in Florida. It is further

ORDERED that if Tel-Tec, Inc. elects to provide intrastate interexchange telecommunications service in Florida and fails to obtain the necessary regulatory approval, it will be subject to the penalty provisions of Section 364.285, Florida Statutes.

ORDERED that this Proposed Agency Action Order will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by this Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If this Commission's Order is not protested, this docket should be closed administratively upon receipt of the company's report and verification by our staff that the company has discontinued providing intrastate interexchange telecommunications service in Florida.

ORDER NO. PSC-04-0304-PAA-TI  
DOCKET NO. 030964-TI  
PAGE 4

By ORDER of the Florida Public Service Commission this 18th day of March, 2004.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JLS

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.

ORDER NO. PSC-04-0304-PAA-TI  
DOCKET NO. 030964-TI  
PAGE 5

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, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 8, 2004.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.