

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of D.G.A. Telecom, Inc. for apparent violation of Sections 364.02 and 364.04, F.S. | DOCKET NO. 041315-TI
ORDER NO. PSC-05-0516-FOF-TI
ISSUED: May 11, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER VACATING ORDER NO. PSC-05-0151-PAA-TI

BY THE COMMISSION:

On September 8, 2004, our staff determined that D.G.A. Telecom, Inc. (DGA) was providing intrastate interexchange telecommunications services in Florida through the provisioning of prepaid calling card services and had not provided our staff with the company's current contact information or filed a tariff with this Commission. On September 13, 2004, our staff sent a letter to DGA requesting that it provide this Commission with the company's current contact information and file a tariff. On September 24, 2004, we received the company's contact information and tariff; however, the commission staff that was involved with the compliance activities was unaware of the filing. Commission staff handling the certification activities processed the filing.

Our staff continued the compliance action and DGA, at no point during the process, responded directly to the staff processing the compliance action. Thus, our staff mistakenly opened Docket No. 041315-TI, and did not learn of this error until DGA contacted our staff after Order No. PSC-05-0151-PAA-TI, was issued. Our staff has since taken measures to preclude future occurrences of this error.

DGA was operating in noncompliance with Sections 364.02 and 364.04, Florida Statutes; however, upon being contacted by our staff the company did make the appropriate filings. Historically, once the company complies after being notified by our staff, no Commission action is taken against the company. Therefore, we find it appropriate to vacate Order No. PSC-05-0151-PAA-TI, as it pertains to this docket. In addition, the penalty should not be forwarded to the Department of Financial Services for further collection efforts.

Based on the foregoing, it is

DOCUMENT NUMBER-DATE

04592 MAY 11 05

FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that Order No. PSC-05-0151-PAA-TI, as it pertains to docket No. 041315-TI is hereby vacated.

By ORDER of the Florida Public Service Commission this 11th day of May, 2005.

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)

JPR

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.