

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 921250-TI
proceedings against CHERRY) ORDER NO. PSC-93-0695-PCO-TI
PAYMENT SYSTEMS, INC. d/b/a) ISSUED: May 6, 1993
CHERRY COMMUNICATIONS for)
violation of Rule 25-4.118,)
F.A.C., Interexchange Carrier)
Selection.)
_____)

ORDER ESTABLISHING PRELIMINARY ISSUES FOR HEARING

As anticipated by the Procedural Order issued in this Docket, the preliminary issues for this proceeding were discussed at a May 5, 1993, Issue Identification meeting. Upon review, I approve the following issues for the June 11, 1993, hearing in this Docket:

1. Has Cherry Payment Systems violated Rule 25-24.470(1), F.A.C.?
2. Has Cherry Payment Systems violated Rule 25-4.118(1), F.A.C.?
3. Has Cherry Payment Systems violated Rule 25-4.118(2), F.A.C.?
4. Has Cherry Payment Systems violated Rule 25-4.043, F.A.C.?
5. Has any Cherry Payment Systems sales procedure been effective at deterring slams?
6. Has Cherry Payment Systems engaged in unethical marketing practices in Florida?
7. Was Cherry Payment Systems' Florida IXC application accurate?
8. Is it in the public interest for Cherry Payment Systems to operate in Florida?
9. What penalty is appropriate in this case?

Based upon the foregoing, it is

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that the foregoing shall apply to the proceeding in this docket.

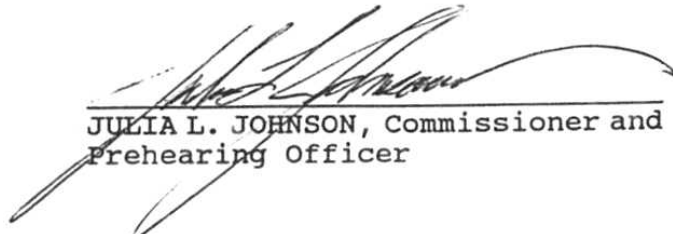
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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 6th day of May, 1993.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.