

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause ) DOCKET NO. 930262-TI  
Proceedings against Metromedia ) ORDER NO. PSC-93-1456-FOF-TI  
Communications Corporation for ) ISSUED: October 7, 1993  
violation of Rule 25-4.118, )  
F.A.C., unauthorized primary )  
interexchange carrier (PIC) )  
changes )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER INITIATING SHOW CAUSE PROCEEDING

BY THE COMMISSION:

Metromedia Communications Corporation (Metromedia or the Company) is a facilities based carrier and reseller of long distance services. Metromedia uses its own sales force and agents to market its services. An example is the Asociacion Hispana De Descuento Telefonico which is a d/b/a used by one of Metromedia's agents, International Direct Marketing. As a certificated provider of interexchange telephone service the Company is subject to the rules of this Commission. This docket was opened March 11, 1993 in response to customer complaints alleging unauthorized carrier changes (slamming) in apparent violation of Rule 25-4.118(1), Florida Administrative Code. From January 1, to August 24, 1993, 73 consumers filed such complaints.

In its response to several of the complaints filed against it, Metromedia stated that Sonic Communications Corporation, had supplied the unauthorized carrier change requests. We have initiated show cause proceedings against Sonic Communications Corporation (Docket No. 930261). However, our Staff's investigation of the Metromedia complaints reveals that at least 28 can be attributed to the direct marketing activities of agents of Metromedia, with such a complaint being received as recently as August 15, 1993.

It appears from a review of the 28 Metromedia complaints that customers were not given an opportunity to decline the Company's service because the mailing the customer received required the

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customer to return a postcard if he or she did not want to subscribe to Metromedia. The postcards apparently were not prepaid. In some circumstances, the mailing may have been addressed to a person other than the local telephone subscriber. More importantly, many consumers denied requesting Metromedia service in the first place and therefore may have discarded such a mailing without opening it.

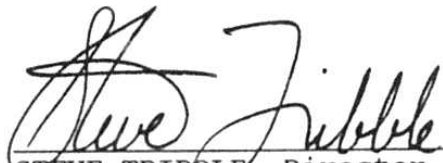
Upon review, we find that complaints filed against Metromedia Communications indicate that the Company has submitted unauthorized carrier changes in violation of 25-4.118, Florida Administrative Code and that such violations warrant the initiation of show cause proceedings.

Therefore, it is

ORDERED by the Florida Public Service Commission that Metromedia Communications is hereby required to show cause why it should not be fined pursuant to Section 364.289, Florida Statutes, or have its certificate cancelled, for submitting unauthorized PIC changes in violation of Rule 25-4.118, Florida Administrative Code. It is further

ORDERED that if Metromedia timely responds to this Order this docket shall remain open pending resolution of the show cause proceeding. If Metromedia fails to timely respond certificate number 1528 shall be cancelled without further Commission action, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of October, 1993.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( 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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 27, 1993.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.