

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 921171-TI
certificate to provide) ORDER NO. PSC-93-1481-FOF-TI
interexchange telecommunications) ISSUED: October 11, 1993
service by One Stop Financial,)
Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE WHY A FINE SHOULD NOT
BE IMPOSED FOR VIOLATION OF RULE 25-24.470, F.A.C.

BY THE COMMISSION:

On July 3, 1991, a complaint was received by the Commission regarding intrastate telecommunications service in Florida being provided by One Stop Financial, Inc. (OSF) Because OSF does not possess a certificate to provide such service our staff contacted OSF on July 9, 1991 requesting certain information be provided about its operations in the State of Florida. OSF replied that AT&T handled all of its services in the State of Florida.

Subsequently another complaint was received that OSF was continuing to provide intrastate telecommunications as a switchless reseller of volume discounted outbound services which, if true, violates Rule 25-24.470(1), Florida Administrative Code which provides:

No person shall provide intrastate interexchange telephone services without first obtaining a certificate of public convenience a necessity from the Commission. Services may not be provided, nor may deposits for payment for services be collected, until the effected date of a certificate [emphasis added], if granted. However, acquisition of equipment and facilities, advertising and

DOCUMENTED BY DATE

10861 OCT 11 93

other promotion activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contact or advertisements prior to the certification, the applicant must advise the customer that certification has not and may never be granted.

Our Staff brought this apparent violation to OSF's attention and requested that OSF file a completed application with this Commission. Subsequently OSF filed the application and filing fee but failed to provide the required tariff. The omission of the tariff was brought to OSF's attention and OSF indicated to our Staff that it now considered itself to be non-jurisdictional and requested a return of its application fee. Our Staff advised OSF that from the data that we received it was providing interexchange telecommunications service in Florida which required a certificate and appropriate tariff. This Commission in Order No. 11206 determined a reseller of telecommunications service falls within the definition of a telecommunication company as defined in Section 364.02(4), Florida Statutes.

To this date we have not received from OSF a tariff that complies with the Commission's requirements. After numerous attempts by Staff to secure OSF's compliance with Rule 25-24.470, Florida Administrative Code, we find it necessary to show cause One Stop Financial, Inc. for providing interexchange telecommunications service in Florida. Based upon the evidence before us at this time, OSF appears to be operating as interexchange carrier without a certificate.

Section 364.285, Florida Statutes provides us with the authority to fine any entity within our jurisdiction up to \$25,000 per day per violation for violation of unlawful rule or order we have promulgated.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that One Stop Financial, Inc. show cause why it should not be fined up to \$25,000 for providing Intrastate Interexchange Service without a certificate of public convenience and necessity in violation of Rule 25-24.470, Florida Administrative Code. It is further

ORDER NO. PSC-93-1481-FOF-TI
DOCKET NO. 921171-TI
PAGE 3

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that failure to timely respond to this Order shall be deemed a default and a waiver of the right to a formal hearing.

By ORDER of the Florida Public Service Commission this 11th day of November, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MRC:bmi

by: Kay Flynn
Chief, Bureau of Records

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

ORDER NO. PSC-93-1481-FOF-TI
DOCKET NO. 921171-TI
PAGE 4

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 November 1, 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.