

Talbott
Vandiver

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FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

JANUARY 9, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB*
DIVISION OF LEGAL SERVICES (PELLEGRINI) *CP MB* *JH*

RE: DOCKET NO. 961495-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3190 ISSUED TO NATIONAL INDEPENDENT CARRIER EXCHANGE, INC. FOR VIOLATION OF RULE 25.24.480 (2) (A) AND (B), F.A.C., RECORDS AND REPORTS; RULES INCORPORATED.

AGENDA: 01/21/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961495.RCM

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission cancel NATIONAL INDEPENDENT CARRIER EXCHANGE, INC. (NICE) Interexchange Telecommunications Certificate No. 3190, if it fails to pay a \$250 fine and provide staff the correct mailing address, liaison information and other information as required by Rules 25-24.480, (3) (a) and (b), Florida Administrative Code?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Pursuant to Chapter 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of a interexchange telephone company (IXC) certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

DOCUMENT NUMBER-DATE

00265 JAN-95

FPSC-RECORDS/REPORTING

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Pursuant to Rules 25-24.480 (3)(a) and (b), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

Mail sent to NICE on July 25, 1996 and October 15, 1996 was returned to our Division of Consumer Affairs. Further investigation indicated that NICE's telephone number listed in the Master Commission Directory had been disconnected.

Therefore:

- * The company has failed to comply with Rules 25-24.480 (3)(a) and (b), Florida Administrative Code, in that it has not filed with staff the change in mailing address, liaison information etc. within 10 days after the change occurred.
- * Staff has attempted to contact the provider via telephone without success.
- * It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information. Therefore, staff recommends that the company's certificate be cancelled unless it pays a \$250 fine and provides staff with the information required in accordance with Rules 25-24.480 (3)(a) and (b), Florida Administrative Code, within 30 days of the Order becoming final.
- * Staff notes cancellation or a fine is consistent with previous proceedings of this nature.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final, and the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required by Rules 25-24.480 (3)(a) and (b), Florida Administrative Code, or its certificate will be cancelled without further Commission action. Upon payment of the fine or cancellation of the certificate, this docket should be closed without further Commission action.

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required by Rules 25-24.480 (3)(a) and (b), Florida Administrative Code, or its certificate will be cancelled without further Commission action. If no protest is filed in this docket, the docket should be closed after the conclusion of the 30 day period.