

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Combined Companies, Inc. For violation of Rules 25-4.118, Interexchange Carrier Selection, and 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

DOCKET NO. 961458-TI
ORDER NO. PSC-97-0691-PCO-TI
ISSUED: June 11, 1997

ORDER REVISING ORDER ESTABLISHING PROCEDURE
AND DETERMINING ISSUES

By Order No. PSC-97-0179-FOF-TI, issued February 18, 1997, we ordered Combined Companies, Inc. (CCI) to show cause why it should not be fined for violations of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection, and Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. On March 10, 1997, CCI filed a timely response to the Order and requested a hearing. Therein, CCI stated that it had not engaged in "slamming" in violation of Rule 25-4.118, Florida Administrative Code, and that it was exempt from the provisions of Rule 25-24.470, Florida Administrative Code. Thus, CCI requested a formal hearing.

By Order No. PSC-97-0308-PCO-TI, issued March 21, 1997, the schedule was set for this docket. Changes in the Commission's calendar, however, necessitate revision of the schedule established by that Order. The schedule set forth in Order No. PSC-97-0308-PCO-TI is, therefore, revised as follows:

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| 1. Company's and Staff's direct testimony and exhibits | July 1, 1997 |
| 2. Intervenor's direct testimony and exhibits | July 22, 1997 |
| 3. All rebuttal testimony | August 5, 1997 |
| 4. Prehearing Statements | September 16, 1997 |
| 5. Prehearing Conference | September 29, 1997 |
| 6. Hearing | October 14, 1997 |
| 7. Briefs | November 4, 1997 |

DOCUMENT NUMBER-DATE

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REGISTRATION REPORTING

All other aspects of Order No. PSC-97-0308-PCO-TI remain unchanged.

In addition, in preparation for the hearing, Commission staff conducted an Issue Identification workshop on May 15, 1997. All of the parties to this docket participated in the meeting.

At the Issue Identification workshop, an agreement was reached that the following issues should be addressed in this docket:

1. Must Combined Companies, Inc., (CCI) be certificated in accordance with Rule 25-24.470, Florida Administrative Code?
2. If CCI must be certificated, should CCI be fined for operating without a certificate in violation of Rule 25-24.470, Florida Administrative Code, and if so, how much?
3. Did CCI switch customers' primary interexchange carrier (PIC) selections?
4. If CCI did switch customers' PIC selections, did CCI comply with Rule 25-4.118, Florida Administrative Code, in switching customers?
5. If CCI violated Rule 25-4.118, Florida Administrative Code, should the Commission issue a fine for the violation and if so, how much?
6. What was CCI's contractual/business/operating relationship with AT&T Communications of the Southern States, Inc.?
7. Did AT&T's tariff authorize true-up charges?
8. By whom were true-up charges billed to customers?
9. Were true-up charges properly billed to customers?
10. Were true-up charges billed on CCI's behalf?
11. If true-up charges were improperly billed to customers, did any customers pay the true-up charges?

13. If not, should the customers receive a refund of the amount in true-up charges that they paid?
14. If so, is CCI responsible for the refund?

I find that these issues are appropriate for consideration in this proceeding. Parties may raise additional issues up to the time of the prehearing conference.


It is therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Order No. PSC-97-0308-PCO-TI is revised as set forth in the body of this Order. It is further

ORDERED that all other aspects of Order No. PSC-97-0308-PCO-TI remain unchanged. It is further

ORDERED that the issues identified in the body of this Order are approved for consideration in this proceeding. Parties may raise additional issues up to the time of the prehearing conference.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 11th day of June, 1997.



JOE GARCIA, Commissioner and
Prehearing Officer

(S E A L)

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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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 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.