

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center - 2540 Shumard Oak Blvd.
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MEMORANDUM

FEBRUARY 26, 1998

TO : DIVISION OF RECORDS AND REPORTING [BAYO]

FROM : DIVISION OF COMMUNICATIONS [WILSON] *W*
DIVISION OF AUDITING & FINANCIAL ANALYSIS [LESTER]
DIVISION OF LEGAL SERVICES [PEÑA] *KP RB*

RE : DOCKET NO. 970842-TI; APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY
ICT SERVICES CORPORATION.

AGENDA : 03-10-98 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

PANEL : FULL COMMISSION

SPECIAL INSTRUCTIONS: I:PSC/CNU/WP/970842.RCM

CASE BACKGROUND

On July 9, 1997, ICT Services Corporation (ICT) filed an application with this Commission for a certificate to provide interexchange telecommunications service. The company also submitted the required financial information and tariff. The application was scheduled to be presented before the Commission on the October 7, 1997, Agenda Conference.

On September 29, 1997, however, staff requested that the docket be deferred from the October 7, 1997, Agenda Conference because of a consumer complaint received by the Commission's Division of Consumer Affairs. The consumer informed staff that the company had been issuing prepaid debit cards that were not working properly. Staff attempted to contact the company but all efforts were unsuccessful. On January 13, 1998, staff was finally able to contact ICT's attorneys. They informed staff that they had not been able to contact the company, and they did not represent the company any longer.

Therefore, since staff has been unable to contact the company to further investigate the information given to us by the consumer, we are recommending that the Commission deny ICT's application and close the docket.

DOCUMENT NUMBER-DATE

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STAFF DISCUSSION

ISSUE 1: Should a certificate be granted to ICT SERVICES, CORP. to provide interexchange telecommunication service within the State of Florida?

RECOMMENDATION: No.

STAFF ANALYSIS: Even though ICT Services, Corp.'s application has satisfied our certification requirements, neither staff nor its attorneys have been able to contact the company for the past months. The information we have received from others indicates that the company has gone out of business.

Therefore, staff recommends that the Commission deny ICT's application.

ISSUE 2: Should the Commission order all certificated interexchange telecommunication companies (IXCs) to discontinue providing interexchange telecommunications service to ICT Services, Corp. pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

RECOMMENDATION: Yes. It appears that ICT Services, Corp. may be operating in Florida without a certificate in violation of Rule 25-24.4701(3), Florida Administrative Code. The order should state that all IXCs will be notified when this company's certificate is canceled.

STAFF ANALYSIS: Rule 25-24.4701 (3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order

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that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

It appears that ICT Services, Corp. may be operating in Florida without a certificate. Accordingly, staff recommends that the Commission order all certificated IXC's to discontinue providing intrastate long distance service for resale to this company at the conclusion of the protest period. The order should state that all IXCs will be notified when this company's certificate is canceled.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order, this docket should be closed.

STAFF ANALYSIS: This docket should be closed, if no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order.