

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause Proceedings against Supra Telecommunications & Information Systems for violations of Rules 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and Rule 25-24.820(1)(a), Revocation of a Certificate.

DOCKET NO. 971527-TX
ORDER NO. PSC-98-0500-AS-TX
ISSUED: April 10, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT PROPOSAL

BY THE COMMISSION:

CASE BACKGROUND

We granted Supra Telecommunications and Information Systems (Supra) Alternative Local Exchange Certificate No. 4861 on July 21, 1997. On September 3, 1997, the our staff received two complaints alleging unauthorized switching of local telephone service. By October 21, 1997, there were 63 similar complaints. The complaints primarily involved unauthorized switching of local telephone services and misleading solicitation practices. As of January 8, 1998, our staff reported 201 complaints relating to unauthorized switching by Supra. Additionally, Supra had failed to respond to staff inquiries regarding the complaints. Supra representatives met with our staff and tendered a settlement proposal. Due to some outstanding customer concerns, we were not able to approve Supra's initial settlement proposal. Supra officials also appeared before us at the February 3, 1998, Agenda Conference and assured us of their commitment toward resolving this matter. On March 4, 1998, Supra tendered a second settlement proposal.

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SETTLEMENT PROPOSAL

Supra Telecommunications & Information Systems' settlement offer of March 4, 1998, can be summarized as follows:

1. STIS admits no intentional wrongdoing;
2. STIS will make a contribution of \$45,000 to the State General Revenue Fund:
 - a. \$15,000 paid within 30 days of the issuance of the final order;
 - b. \$10,000 paid in six months;
 - c. \$10,000 paid in 12 months;
 - d. \$10,000 paid in 18 months;
3. STIS will comply with the Commission's proposed Rule 25-4.118, Florida Administrative Code, Carrier Selection;
4. STIS also assures its compliance with Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

We believe the STIS settlement conditions adequately address STIS' slamming complaints and the untimely responses to the Commission. The company has responded to all of the outstanding consumer complaints previously discussed at the January 20, 1998 Agenda Conference. The revisions of the sales and verification scripts appear to more accurately reflect the telecommunications service the company is selling.

Accordingly, we accept STIS' settlement proposal. We find the \$45,000 voluntary contribution reasonable, in light of the fact that STIS is a start-up company. Further, STIS has credited all affected consumers, in effect providing free services to those consumers whose service was switched without authorization. The \$45,000.00 contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285, Florida Statutes.


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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposed by Supra Telecommunications & Information Systems in resolution of this show cause proceeding, which is attached to this Order as Attachment A and is incorporated herein by reference, is hereby approved. It is further

ORDERED that Docket No. 971527-TX shall remain open until the Commission receives Supra Telecommunications & Information Systems's voluntary contribution of \$45,000.00 as set out in the body of this order, for deposit in the State of Florida General Revenue Fund. Upon receipt of the final payment, Docket No. 971527-TI shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of April, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

IV. SETTLEMENT PROPOSAL

While Supra expressly denies any intentional wrongdoing, in order to avoid the time and expense of a show cause proceeding against Supra for apparent violations of the Commission's Rules 25-4.043 and 25-24.820, Florida Administrative Code, Supra again submits the following Offer of Settlement which it previously submitted to the Commission on January 8, 1998:

(a) Supra will make a contribution to the general revenue fund of the State of Florida of \$45,000 with no admission of liability or wrongdoing. Supra proposes to pay this voluntary contribution in an initial payment of \$15,000 in cash within thirty days following the issuance of a final order accepting the offer of settlement, with the balance of \$30,000 to be paid in three payments, the first of which will be in the amount of \$10,000 made in six months, the second payment will be in the amount of \$10,000 made in twelve months, and the third and final payment will be in the amount of \$10,000 made in eighteen months.

(b) Supra commits that it will comply with at least one, if not two, of the four options available in the Commission's *proposed* Rule 25-4.118, Florida Administrative Code, when it obtains each new customer in the future.

(c) Supra is actively pursuing before the Commission the resolution of the problems it has experienced with BellSouth in its interconnection and resale agreements and by way of actions by BellSouth that Supra strongly believes are anticompetitive and have contributed to these customer complaints.

Supra does not, by this Response or Offer of Settlement or

otherwise, admit any violation of any statute, Commission Rule or any other rule or regulation, or any facts which might form the basis of a cause of action against Supra. By making this Response and Offer of Settlement, Supra does not waive any of its legal rights in the event the Commission does not accept this Offer of Settlement, including the right to contest any assertions of law or fact.

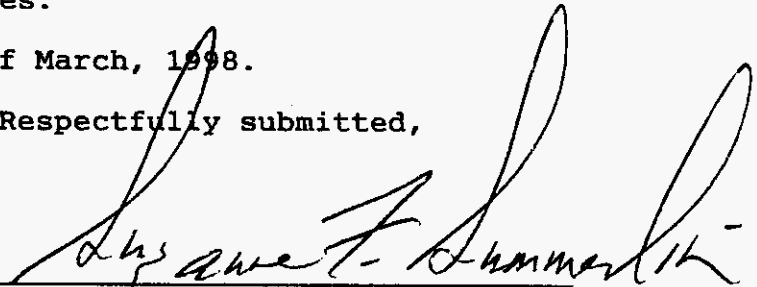
V. REQUEST FOR HEARING

Supra has already begun discussions with Staff regarding settlement of this matter and will continue to make every effort to achieve a mutually acceptable settlement. However, in the event settlement is not possible, Supra asserts that the Show Cause Order and the statements in this response raise numerous disputed issues of fact, law, and policy and Supra is entitled to a hearing pursuant to Section 120.57(1), Florida Statutes.

WHEREFORE, Supra Telecommunications and Information Systems, Inc., respectfully requests a hearing pursuant to Section 120.57(1), Florida Statutes.

Dated this 4th day of March, 1998.

Respectfully submitted,



Suzanne Fannon Summerlin
1311-E Paul Russell Road, Suite 201
Tallahassee, Florida 32301
(850) 656-2288
Florida Bar No. 398586

Attorney for Supra Telecommunications
& Information Systems, Inc.