



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-

RECEIVED-FPSC
98 JUL 23 PM 12:38

RECORDS AND REPORTING

DATE: JULY 23, 1998

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

FROM: DIVISION OF LEGAL SERVICES (B.KEATING) *TK MB*
DIVISION OF COMMUNICATIONS (T.WILLIAMS) *TEW*

RE: DOCKET NO. 980914-TI - INITIATION OF SHOW CAUSE PROCEEDING AGAINST NETWORK ACCESS, INC. FOR VIOLATION OF RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES.

AGENDA: 08/04/98 - REGULAR AGENDA - SHOW CAUSE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980914.RCM

On May 29, 1998, we mailed a letter to Mr. Jorge A. Puente-Duany, Controller, Network Access, Inc., 1334 North State Road 7, Margate, FL 33063-2843, asking that he explain certain charges to a telephone number (Attachment A). On June 30, 1998, staff again requested this information in a telephone conversation with Mr. Puente-Duany. On July 7, 1998, a copy of the letter was faxed to Mr. Puente-Duany. However, as of the date of this recommendation, no response has been received from Network Access, Inc.

Therefore, because of Network Access, Inc.'s failure to respond to Commission correspondence in a timely manner, staff is recommending that the Commission initiate a show cause proceeding against Network Access, Incorporated for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

DOCUMENT NUMBER-DATE

07799 JUL 23 98

FPSC-RECORDS/REPORTING

STAFF DISCUSSION

ISSUE 1: Should NETWORK ACCESS, INC. be ordered to show cause why it should not be fined \$25,000 or have its Certificate No. 3546 cancelled for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes, the Commission should order NETWORK ACCESS, INC. to show cause in writing within 20 days of the issuance date of the order why it should not have Certificate Number 3546 cancelled or be fined \$25,000 for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

STAFF ANALYSIS: It appears that NETWORK ACCESS, INC. has violated Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, which reads;

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Accordingly, staff recommends that the Commission issue an appropriate order requiring the company to show cause why it should not be fined \$25,000 or have its certificate cancelled. (See Attachment).

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If staff's recommendation in Issue 1 is approved, then NETWORK ACCESS, INC. (NAI) will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If NAI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If NAI does not respond to the Commission's order to show cause, the fine should be deemed assessed. Staff recommends that if NAI fails to respond to the order to show cause, and the fines are not received within five business days after the expiration of the show cause response period, NAI's certificate should be cancelled, and this docket closed administratively.

DATE: JULY 23, 1990
DOCKET NO. 980914-TI

STAFF ANALYSIS: If staff recommendation in Issue 1 is approved, then NETWORK ACCESS, INC. (NAI) will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If NAI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If NAI does not respond to the Commission's order to show cause, the fine should be deemed assessed. Staff recommends that if NAI fails to respond to the order to show cause, and the fines are not received within five business days after the expiration of the show cause response period, NAI's certificate should be cancelled, and this docket closed administratively.

STATE OF FLORIDA

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



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

May 29, 1998

Mr. Jorge A. Puente-Duany, Controller
Network Access, Incorporated
1334 North State Road 7
Margate, Florida 33063-2843

Re: Network Access Charges to (813) 677-5286

Dear Mr. Puente-Duany:

In reviewing the charges billed by Network Access to the above telephone number since January, a number of questions come to mind. Accordingly, pursuant to §364.27 and 364.604, Florida Statutes, the purpose of this letter is to inquire into the basis for these charges. For your convenience, a copy of pertinent portions of a bill are enclosed. My requests will refer to specific calls listed on those pages. Please provide your responses by June 22, 1998.

1. For the series of calls detailed on GTE bill page 13 of 14, please describe with specificity the dialing sequence applicable to each call to Toronto shown to be a direct dialed regulated call. Explain what if any relationship these calls have to calls to World TelNet at (954) 450-7877 at approximately the same time for the same duration. See enclosure, GTE bill page 8 of 14. If World TelNet receives any portion of the revenues derived from these calls, please describe World TelNet's role in detail in the provision of any regulated or unregulated telecommunications, information or entertainment services.

2. For the series of calls detailed on page 13 of 14, please describe with specificity the dialing sequence applicable to each call to England shown to be an operator assisted call.

3. Provide a switched access record for each call along with the GTE bill for the access charges involved.

4. Provide a copy of the applicable international tariff for the calls to Toronto and to England. If Network Access is not the service provider, identify the service provider, including a name, address and telephone number.

5. Provide a copy of all promotions soliciting callers to dial (954) 450-7877. Explain what cost disclosures are made. Provide a copy of all promotions soliciting callers to dial (416) 754-5568.

Mr. Jorge A. Puente-Duany, Controller
Page 2
May 29, 1998

Explain what cost disclosures are made. Provide a copy of all promotions soliciting callers to dial 0441713730027. Explain what cost disclosures are made.

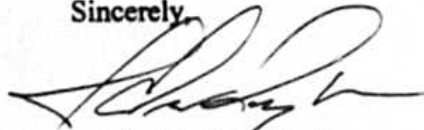
6. To the extent that any of Network Access' charges stem from collect call back services, please explain why Network Access believes it is not in violation of the prohibition against such charges as embodied in the Telephone Disclosure and Dispute Resolution Act of 1992. Please also explain why the charges are mischaracterized on the bill as outbound calls and whether your billing agreement with GTE allows billing details to reflect other than the actual dialing sequence used with appropriate regulated/unregulated indicator.

7. As the subscriber acknowledges that his guest made the calls to (954) 450-7877, but without authorization to incur charges to or from Canada and England, please address whether the account should receive a refund or credit.

7. Provide any other information that Network Access believes is pertinent to our understanding of these bills on behalf of Network Access.

Meanwhile, please feel free to contact me if you have any questions.

Sincerely,



J. Alan Taylor, Chief
Bureau of Service Evaluation

Enclosure

c: Mr. Don Tetro, President
World TelNet, Inc.
10011 Pines Boulevard, Suite 101
Pembroke Pines, Florida 33024

Ms. Beverly Y. Menard
GTE Florida, Inc.



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TELEPHONE NUMBER 813 677-5286
BILL DATE JAN 04 1998

1214 1053	SC POPLAR MO 573 785 5311	DDD HIGH	1.0	.08
1214 1134	SC BIRCH TMO 573 292 3776	DDD HIGH	23.2	1.16
1214 1518	SC VAN BUREN MO 573 323 4736	DDD HIGH	54.2	2.71
1221 1745	SC POPLAR MO 573 785 5311	DDD HIGH	20.9	1.04
TOTAL CALLS FROM 813-677-5286:				13.22

NON-PLAN CALLS FROM 813-677-5286:

DATE TIME	PLACE CALLED	NUMBER CALLED	TYPE	PERIOD	MIN	AMOUNT
1126 1916	POPLAR BLFMO	573 785 5311	DDD	EVE	45.6	5.47
1203 1755	CHESTERTONIN	219 926 4597	DDD	DAY	12.7	1.52 <i>OK</i>
1204 0657	HOLLYWOOD FL	954 450 7877	DDD	HIGH	1.0	.12
1204 0711	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.0	.12
1204 0718	HOLLYWOOD FL	954 450 7877	DDD	DAY	8.9	1.06
1204 1156	HOLLYWOOD FL	954 450 7877	DDD	DAY	2.1	.25
1204 1202	HOLLYWOOD FL	954 450 7877	NON	DAY	2.3	.27
1204 1421	HOLLYWOOD FL	954 450 7877	DDD	DAY	3.3	.39
1204 1509	CHESTERTONIN	219 926 4597	DDD	DAY	75.0	9.00 <i>OK</i>
1205 1340	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.7	.20
1205 1519	HOLLYWOOD FL	954 450 7877	DDD	DAY	17.3	2.07
1205 0650	HOLLYWOOD FL	954 450 7877	DDD	HIGH	6.7	.80
1211 0830	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.7	.20
1215 1950	VAN BUREN MO	573 323 4736	DDD	EVE	1.7	.20
1215 2000	VAN BUREN MO	573 323 4547	DDD	EVE	6.0	.72
1216 0820	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.0	.12
1216 0829	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.0	.12
1216 0830	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.0	.12
1217 1540	HOLLYWOOD FL	954 450 7877	DDD	DAY	1.0	.12
1224 0643	HOLLYWOOD FL	954 450 7877	DDD	HIGH	1.0	.12
1224 0650	HOLLYWOOD FL	954 450 7877	DDD	HIGH	11.0	1.32
TOTAL NON-PLAN CALLS FROM 813-677-5286:						24.31
TOTAL LONG DISTANCE						37.53

OPERATOR SERVICES

WE'RE HERE FOR YOU! NCI'S MULTILINGUAL
OPERATORS ARE AVAILABLE TO HELP YOU 24 HOURS



PAGE
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TELEPHONE NUMBER 813 677-5286
BILL DATE JAN 04 1998

LONG DISTANCE CALLS
BILLING FOR NETWORK ACCESS
NETWORK ACCESS REGULATED SERVICE
REGULATED CALLS
DIRECT DIALED CALLS

DATE	CALL TO	RMIN	PA	TELNO	MIN	PL	CPTSL	FROM	REF	
1204	TOROOM	07124	167545568	9	461	J2		841	43.11	F 2
1204	TOROOM	11504	167545568	3	461	J2		841	14.37	F 2
1204	TOROOM	11554	167545568	3	461	J2		841	14.37	F 2
1204	TOROOM	14154	167545568	4	461	J2		841	19.16	F 2
1205	TOROOM	13424	167545568	2	461	J2		841	9.58	F 2
1205	TOROOM	15134	167545568	18	461	J2		841	86.22	F 2
1208	TOROOM	06434	167545568	7	461	J2		841	33.53	F 2
1211	TOROOM	08314	167545568	2	461	J2		841	9.58	F 2
1224	TOROOM	06424	167545568	11	461	J2		841	52.69	F 2
TOTAL									282.61	

OPERATOR ASSISTED CALLS

DATE	CALL TO	RMIN	PA	TELNO	MIN	PL	CPTSL	FROM	REF	
1205	TAMPFL	1340		4	664	N2	ENGLAN	841	19.96	F 2
0441713730027										
1205	TAMPFL	1352		3	664	N2	ENGLAN	841	14.97	F 2
0441713730027										
1209	TAMPFL	1447		3	664	N2	ENGLAN	841	14.97	F 2
0441713730027										
1212	TAMPFL	1031		11	664	N2	ENGLAN	841	54.89	F 2
0441713730027										
TOTAL									104.79	

TAXES AND FEES ON NETWORK ACCESS REGULATED SERVICES
 F 3.00% FEDERAL EXCISE TAX (3.00% OF \$396.31) 11.89
 R01 2.50% FLORIDA INTERSTATE GROSS RECEIPTS TAX (2
 .30% OF \$387.40) 8.91
 TOTAL 20.80
 NETWORK ACCESS REGULATED SERVICE CHARGES 488.20

*NOT
FINE*



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TELEPHONE NUMBER 813 677-5286
BILL DATE JAN 04 1998

1214 1053	SC POPLAR MO 573 785 5311	DDD HIGH	1.0	.05
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1204 0657	HOLLYWOOD FL	954 450 7877	DDD HIGH	1.0	.12
1204 0711	HOLLYWOOD FL	954 450 7877	DDD DAY	1.0	.12
<u>1204 0718</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	8.9	1.06
<u>1204 1156</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	2.1	.25
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<u>1204 1421</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	3.3	.39
1204 1509	CHESTERTONIN	219 926 4597	DDD DAY	75.0	9.00 <i>OK</i>
<u>1205 1348</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	1.7	.20
<u>1205 1519</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	17.3	2.07
<u>1208 0650</u>	HOLLYWOOD FL	954 450 7877	DDD HIGH	6.7	.80
<u>1211 0830</u>	HOLLYWOOD FL	954 450 7877	DDD DAY	1.7	.20
1215 1958	VAN BUREN MO	573 323 4736	DDD EVE	1.7	.20
1215 2000	VAN BUREN MO	573 323 8547	DDD EVE	6.0	.72
1216 0828	HOLLYWOOD FL	954 450 7877	DDD DAY	1.0	.12
1216 0829	HOLLYWOOD FL	954 450 7877	DDD DAY	1.0	.12
1216 0830	HOLLYWOOD FL	954 450 7877	DDD DAY	1.0	.12
1217 1540	HOLLYWOOD FL	954 450 7877	DDD DAY	1.0	.12
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