



JACK SHREVE
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STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
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RECORDS AND
REPORTING

January 15, 1999

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Complaint Against American Nortel Communications, Inc.

Dear Ms. Bayo:

981247-TZ

Enclosed for filing in the above-references docket are the original and 15 copies of Citizens' Complaint Against American Nortel Communications, Inc.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

RECEIVED & FILED

FPSC BUREAU OF RECORDS

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)
proceedings against American)
Nortel Communications, Inc. for)
violation of Rule 25-4.118,)
F.A.C., Interexchange Carrier)
Selection.)
_____)

Docket No. 981247-TI

Filed: January 15, 1999

COMPLAINT AGAINST AMERICAN NORTEL COMMUNICATIONS, INC.

Pursuant to Rules 25-22.036 and 28-106.201, Florida Administrative Code, the Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this complaint against American Nortel Communications, Inc. ("Nortel") and request the Florida Public Service Commission ("Commission") to either revoke the certificate of Nortel or, alternatively, to fine Nortel \$225,000 for willful violation of Rule 25-4.118, Florida Administrative Code. In support of this complaint, the Citizens submit the following:

1. Section 350.0611, Florida Statutes (1998) provides that the Public Counsel has the duty to provide legal representation for the people of the state in proceedings before the commission. The statute further provides that the Public Counsel has such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the specific power to recommend to the Commission, by petition, the commencement of any proceeding or action or to appear, in the name of

the state or its citizens, in any proceeding or action before the commission and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission. The mailing address for the Public Counsel is Jack Shreve, Public Counsel, Office of the Public Counsel, c/o the Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, FL 32399-1400.

2. Nortel holds certificate number 5336 from this Commission to provide intrastate interexchange telecommunications service in Florida. The Commission's records show the mailing address for Nortel is William P. Williams, President, American Nortel Communications, Inc., 7201 East Camelback, Suite 320, Scottsdale, AZ 85251.

3. On or about November 13, 1998, Nortel willfully violated Rule 25-4.118, Florida Administrative Code, by willfully changing the primary interexchange carrier (PIC) of Ms. Belen Denis, 521 E. Citrus Street, Altamonte Springs, FL 32701-2614, telephone 407-339-0814, without the authority of Ms. Denis. This action adversely affected the substantial interests of Ms. Denis and the Citizens because it deprived Ms. Denis, a citizen of Florida, of her choice of presubscribed interexchange carrier. Ms. Denis first discovered the unauthorized change of her presubscribed interexchange carrier when she received a bill from her local exchange company containing charges from Nortel. The unauthorized PIC change lasted for at least nine days.

4. The Citizens do not know whether Nortel will dispute the facts set forth in this petition.

5. Pursuant to section 364.285, Florida Statutes (1998), the Commission has the power to impose upon any entity subject to its jurisdiction under chapter 364, Florida Statutes, which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of chapter 364 a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

6. On October 22, 1998, the staff of the Commission issued a recommendation that a show cause order be issued against Nortel for willful violations of Rule 25-4.118, Florida Administrative Code. The Commission approved the recommendation on November 3, 1998, and the show cause order was issued on November 23, 1998. The unauthorized change of Ms. Denis' presubscribed interexchange carrier occurred *after* the staff of the Commission had issued this recommendation and *after* the Commission had accepted the recommendation. The fact that Nortel willfully changed Ms. Denis' presubscribed interexchange carrier without her authority after these actions by the Commission is an aggravating circumstance in this case that warrants cancellation of Nortel's certificate. Alternatively, the

Commission should fine Nortel \$25,000 for each of the days that Ms. Denis' presubscribed interexchange carrier was changed without her authority, for a total of \$225,000.

WHEREFORE, the Citizens request the Commission to cancel Nortel's certificate or, alternatively, to fine Nortel \$225,000.

Respectfully submitted,

JACK SHREVE
Public Counsel
Florida Bar No. 73622



Charles J. Beck
Deputy Public Counsel
Florida Bar No. 217281

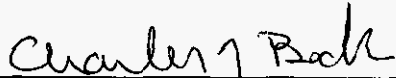
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(850) 488-9330
Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 15th day of January, 1999.



Charles J. Beck

Tina Watts
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