



# Public Service Commission

DATE: March 15, 1999

TO: Blanca Bayo, Director, Division of Records and Reporting

FROM: Noreen Davis, Director, Division of Legal Services  
Walter D'Haeseleer, Director, Division of Communications

*MSB/a ND*  
*W*

RE: Docket No. 971490-TI

The settlement amount of \$68,000 was received and forwarded to the Comptroller's Office on March 12, 1999. Order No. PSC-99-0368-AS-TI, issued February 22, 1999, states that this docket may be closed administratively upon remittance of the settlement amount. Since the settlement has been paid and no further action is required, this docket may be closed.

/kb

*OK*  
*SM*  
*3/17/99*

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPD \_\_\_\_\_
- ROH \_\_\_\_\_
- SEN   1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

**03467 MAR 17 8**

FPSC-RECORDS/REPORTING

*Kelly*

**WIGGINS & VILLACORTA, P.A.**  
ATTORNEYS AT LAW

POST OFFICE DRAWER 1657  
TALLAHASSEE, FLORIDA 32302

2145 DELTA BOULEVARD, SUITE 200  
TALLAHASSEE, FLORIDA 32303

TELEPHONE (850) 385-6007  
FACSIMILE (850) 385-6008  
INTERNET: wiggvill@netally.com

RECEIVED

MAR 12 1999

March 11, 1999

RECEIVED-FPSC  
99 MAR 11 PM 4:05  
RECORDS AND REPORTING

CMU  
VIA HAND DELIVERY

DEPOSIT                      DATE  
D102 #                      MAR 12 1999

Mr. Blanca Bayo  
Director of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 971490-TI - Initiation of Show Cause Proceedings Against Excel Telecommunications, Inc. for Violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

Dear Ms. Bayo:

Pursuant to Order No. PSC-99-0368-AS-TI, Order Approving Settlement in the above-referenced matter, Excel Telecommunications, Inc. tenders its voluntary contribution in the amount of \$68,000.00 payable to the State of Florida General Revenue Fund.

Please stamp the enclosed copy of this transmittal letter received and return to my office. If you have any questions, please do not hesitate to ask.

Thank you for your assistance in this matter.

RECEIVED & FILED  
*PKW*  
FPSC BUREAU OF RECORDS  
*PKW Kelly Brinson*

Sincerely,

*Patrick Knight Wiggins*

Patrick Knight Wiggins  
Attorneys for Excel Telecommunications, Inc.

PKW:plk  
Enclosures

Initials of person who forwarded check:  
\_\_\_\_\_

WIGGINS & VILLACORTA, P.A.

ATTORNEYS AT LAW

POST OFFICE DRAWER 1657  
TALLAHASSEE, FLORIDA 32302

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March 11, 1999

VIA HAND DELIVERY

DEPOSIT

DATE

D 1 0 2

MAR 12 1999

RECEIVED-FPSC  
99 MAR 11 PM 4:05  
RECORDS AND  
REPORTING

Mr. Blanca Bayo  
Director of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

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Please stamp the enclosed copy of this transmittal letter received and return to my office. If you have any questions, please do not hesitate to ask.

Thank you for your assistance in this matter.

RECEIVED & FILED



R.A.R.  
Kerry Bergstrom

EXCEL MANAGEMENT SERVICE, INC.  
P.O. BOX 850582  
DALLAS, TX 75285-0582

MELLON FINANCIAL  
20 CABOT ROAD  
MEDFORD, MA 02155

53-282  
113

Check Number

0009000952

Date

03/08/1999

Sixty eight thousand and 00/100 Dollars

Pay to the order of

STATE OF FLORIDA  
GENERAL REVENUE FUND

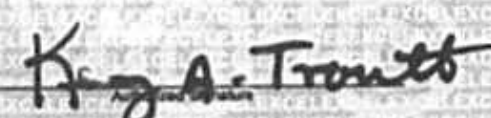
Vendor ID

028197

Payment Amount

\*\*\*\*\*\$68,000.00

Valid After 90 Days



Docket No. 971490-TI  
Order PSC-99-036-AS-TI 2/22/99 Voluntary Contribution

7. Whenever Excel has reason to believe that an IR has forged an LOA, as a normal part of its investigation, Excel will review the validity of every LOA submitted by that IR during the preceding six months.
8. Excel will make a contribution of \$68,000 to the general revenue fund of the State of Florida with no admission of liability or wrongdoing.

We support Excel's proposal to establish a toll-free slamming awareness number in addition to establishing a warm transfer system with the Commission for consumer complaints. We find this will allow for expedited resolution of those consumer complaints. We also support Excel's proposal to file civil action against IRs who forge LOAs because we believe this will encourage Excel representatives to be extremely more accurate when completing LOAs. Furthermore, we support Excel's proposal to re-evaluate LOAs previously submitted by an IR who appears to have forged an LOA because this will enable Excel to determine whether a pattern of behavior exists.

The company has satisfactorily addressed all our concerns. Therefore, we find the terms of the settlement agreement to be fair and reasonable. Accordingly, the offer of settlement submitted by Excel on December 17, 1998, is approved.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the offer of settlement dated December 17, 1998, by Excel Telecommunications, Inc. is hereby approved. It is further

ORDERED that this docket shall remain open pending the remittance of the \$68,000 voluntary contribution. The voluntary contribution shall be submitted within five business days after the Order Approving Settlement becomes final. Upon remittance, the \$68,000 voluntary contribution shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, and this docket may be closed administratively.

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From: Kelly Biegalski  
To: Pat Page  
Subject: Excel check  
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\*\*\*NOTE\*\*\*\*\*3/12/99\*\*9:07am\*\*

It is ok to deposit this check

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