

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



STEVE TRIBBLE, DIRECTOR
DIVISION OF ADMINISTRATION
(850) 413-6330

Public Service Commission

March 7, 2000

Mr. Bob Spooner
Bureau of Special Programs
Office of the Comptroller
101 East Gaines Street
Tallahassee, Florida 32399-0350

Dear Mr. Spooner:

The Public Service Commission has exercised reasonable efforts to collect fines, from the utility referenced below. However, no response has been received, and we believe that further collection efforts would not be cost effective.

DOCKET NUMBER	UTILITY NAME	AMOUNT
991663-TX	C.I.O., Inc.	\$50,000.00

We respectfully submit the enclosed Delinquent Accounts Receivable Transmittal form, along with a memorandum from the Commission's Division of Legal Services and other supporting documentation. We request that, at your discretion, you either attempt further collection or grant this agency permission to write off the debt.

Sincerely,

Steve Tribble

- ST:jk
- I:CIO.RLM
- Enclosures
- cc: Division of Legal Services (Vaccaro)
- Division of Records and Reporting
- Division of Administration (Knight)
- Division of Communications (Biegalski)

- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG
- MAS
- OPC
- RRR
- SEC
- WAW
- OTH

DOCUMENT NUMBER - DATE

03064 MAR -80

FPSC-RECORDS/REPORTING



-M-E-M-O-R-A-N-D-U-M-

DATE: February 22, 2000/
TO: Steve Tribble, Director of Administration
FROM: Tim Vaccaro, Senior Attorney, Division of Legal Services
RE: Docket No. 991663-TX - Initiation of show cause proceedings against C.I.O., Inc. for apparent violation of Rule 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required; Section 364.183, F.S., Access to Company Records; and Section 364.185, F.S., Investigations and Inspections; Power of Commission.

On January 7, 2000, the Commission issued Order No. PSC-00-0050-SC-TX, in which it ordered C.I.O., Inc. (CIO) to show cause, in writing within 21 days, why it should not be fined \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Pursuant to that Order, the Commission also ordered CIO to show cause, in writing within 21 days, why it should not be fined \$25,000 for apparent violation of Sections 364.183, Florida Statutes, Access to Public Records, and Section 364.185, Florida Statutes, Investigation and Inspection; Powers of the Commission.

The Order to Show Cause also provided that failure to respond to that Order would be deemed an admission of the facts alleged, waiver of a right to a hearing, and the fines would be deemed assessed. In the event that CIO did not respond and the fines were not paid within ten business days after the Order to Show Cause became final, the Order required that the fines be forwarded to the Department of Banking and Finance, Office of the Comptroller, for collection.

Order No. PSC-00-0050-SC-TX became final on January 28, 2000. CIO did not respond to the Order to Show Cause nor did it remit the assessed fines. Therefore, we submit this matter to your office for approval to forward the account to the Department of Banking and Finance, Comptroller's Office, for further collection efforts or permission to write-off the account..

The events leading to our determination are outlined below for your convenience.

1. In September, 1998, TeleConex, Inc. d/b/a TeleConex (TeleConex), a certificated alternative local exchange company (ALEC), entered into a marketing arrangement with CIO, Inc. (CIO). On May 9, 1999, CIO entered into a marketing agreement with Pre-Cell Solutions, Inc. (Pre-Cell), another certificated ALEC.

2. On May 12, 1999, the Division of Consumer Affairs (CAF) received a complaint lodged by TeleConex against Pre-Cell regarding Family Phone Company (a.k.a. CIO) calling TeleConex's customers and telling them that TeleConex was bankrupt and going out of business. In June, 1999, Commission staff (staff) received calls from TeleConex's customers who were concerned and confused regarding the phone calls and information they were provided by Family Phone Company (a.k.a. CIO) about TeleConex and Pre-Cell.
3. On June 24, 1999, staff met with TeleConex to discuss the problems they were having with CIO. TeleConex stated that CIO was collecting money from customers on its behalf and not forwarding the monies to TeleConex. In addition, CIO was soliciting TeleConex's customers stating that TeleConex was in bankruptcy and CIO could provide the customers with a less expensive service.
4. On July 27, 1999, CIO submitted an application for ALEC service in the State of Florida.
5. On July 30, 1999, staff mailed a letter to CIO stating that it needed to amend its corporate name, price list, and the application. On September 21, 1999, CIO submitted a revised application signed by Mr. Richard Austin, CIO's president, along with a request to withdraw its price list. CIO stated that it would submit a price list prior to providing local service.
6. On September 28, 1999, Pre-Cell terminated its marketing agreement with CIO for CIO's failure to remit monies collected from customers for telephone service to Pre-Cell. In October, 1999, staff began receiving complaints from customers regarding CIO and Pre-Cell.
7. On October 20, 1999, notice was sent to Mr. Austin by the Division of Auditing and Financial Analysis informing him of an investigation of financial records. On November 12, 1999, staff received an audit report stating that CIO had failed to allow audit staff access to review financial records. On November 15, 1999, all telephone numbers used by staff to contact CIO were disconnected.
8. By Proposed Agency Action Order No. PSC-00-0078-PAA-TX, issued January 10, 2000 in Docket No. 990971-TX, the Commission denied CIO's ALEC application. That Order became final by issuance of Consummating Order No. 00-0231-CO-TX, issued

Memorandum to Steve Tribble
Docket No. 991663-TX
Page 3

February 4, 2000 in Docket No. 990971-TX.

Please find the following attached hereto:

- (a) Order No. PSC-00-0050-SC-TX
- (b) Order No. PSC-00-0078-PAA-TX
- (c) Order No. PSC-00-0231-CO-TX
- (d) State of Florida Office of the Comptroller Bureau of Auditing Delinquent
Accounts Receivable Transmittal

CIO's mailing address is:

C.I.O., Inc.
2350 Commerce Park Drive
Palm Bay, Florida 32905-7732

TV/sa

cc: Division of Records and Reporting
Division of Communications (Biegalski)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against C.I.O., Inc. for apparent violation of Rule 25-24.805, F.A.C., Certificate of Public Convenience and Necessity Required, Section 364.183, F.S., Access to Company Records and Section 364.185, F.S., Investigations and Inspections; Power of Commission.

DOCKET NO. 991663-TX
ORDER NO. PSC-00-0050-SC-TX
ISSUED: January 7, 2000

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

I. Background

In September, 1998, TeleConex, Inc. d/b/a TeleConex (TeleConex), a certificated alternative local exchange company (ALEC), entered into a marketing arrangement with C.I.O., Inc. (C.I.O.).

On May 9, 1999, C.I.O. entered into a marketing agreement with Pre-Cell Solutions, Inc. (Pre-Cell), another certificated ALEC.

On May 12, 1999, our Division of Consumer Affairs received a complaint from TeleConex regarding the solicitation of its customers by C.I.O. - a.k.a. Family Phone Services - on behalf of Pre-Cell. In June, 1999, our staff received telephone calls from TeleConex's customers who were concerned and confused regarding telephone calls and information they were provided by C.I.O. concerning the stability of TeleConex.

On June 24, 1999, our staff met with TeleConex to discuss the problems it was having with C.I.O. TeleConex stated that C.I.O. was collecting money from customers on its behalf and not forwarding the monies to TeleConex. In addition, C.I.O. was marketing TeleConex's customers stating that TeleConex was in bankruptcy and C.I.O. could provide the customers with a less expensive service through Pre-Cell.

On July 27, 1999, C.I.O. submitted its application for ALEC service in the State of Florida. On July 30, 1999, our staff mailed a letter to C.I.O. stating that it needed to amend its corporate name, price list and the application. On September 13, 1999, our staff, having received no response from C.I.O. to the July 30, 1999 letter, staff mailed a certified letter to C.I.O. requesting that the amendments be made before September 28, 1999, or staff would recommend denying its application. The letter was signed for and received by C.I.O. on September 16, 1999.

On September 21, 1999, C.I.O. submitted a revised application, along with a request to withdraw its price list and a statement that prior to providing local service, C.I.O. would submit a price list. On September 27, 1999, our staff requested deferral of this docket from the October 5, 1999 Agenda Conference.

On September 28, 1999, Pre-Cell terminated its marketing agreement with C.I.O. for C.I.O.'s failure to remit monies collected from customers for telephone service to Pre-Cell. According to invoices received from customers, C.I.O. was billing and collecting monies from customers for telecommunications services in apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity. The invoices specifically requested that the payments be made directly to C.I.O./Family Phone Services. A sample copy of said invoices is appended to this Order as Attachment A, which by reference, is incorporated herein.

In September, 1999, Pre-Cell provided letters to its customers indicating that it had canceled its agreement with C.I.O. and that the customers should remit payments directly to Pre-Cell. A sample copy of said letters is appended to this Order as Attachment B, which by reference, is incorporated herein. On October 6, 1999, C.I.O. mailed letters to customers of Pre-Cell stating that Pre-Cell was a "scam" and that the monies should continue to be remitted to C.I.O. in Palm Bay, Florida. A sample copy of said

letters is appended to this Order as Attachment C, which by reference, is incorporated herein.

During that month, our staff began receiving customer complaints regarding the letters received from C.I.O. and Pre-Cell. Additionally, our staff received information from BellSouth relating to the establishment of numerous accounts for telecommunications service in the name of C.I.O. a.k.a. Family Phone Services. This information is appended to this Order as Attachment D, which by reference, is incorporated herein.

On October 20, 1999, our Division of Auditing and Financial Analysis provided notice to Mr. Richard Austin, president of C.I.O., informing him of an investigation of C.I.O.'s financial records. On November 12, 1999, our staff received an audit report stating that C.I.O. had failed to allow audit staff access to review financial records. On November 15, 1999, all telephone numbers used by our staff to contact C.I.O. were disconnected.

II. Apparent Violations

a. Certificate of Public Convenience and Necessity

Rule 25-24.805(1), Florida Administrative Code, provides in pertinent part:

No person shall provide alternative local exchange telecommunications service without first obtaining a certificate of public convenience and necessity from the Commission.

Our staff became aware of the operations of C.I.O. on June 24, 1999, through its meeting with TeleConex. TeleConex informed our staff that C.I.O. was representing itself as a telecommunications provider in its solicitation for service. At that time, our staff notified C.I.O. that it needed to obtain a certificate. In addition, C.I.O. stopped remitting payments for telecommunications service that were submitted directly to C.I.O. by customers to TeleConex. Therefore, TeleConex terminated its agreement with C.I.O..

Further, on May 9, 1999, C.I.O. entered into an agreement with Pre-Cell to solicit its services. C.I.O. continued, however, to represent itself as a telecommunications provider, in addition to

not paying Pre-Cell, while marketing and collecting payments for Pre-Cell. Based on the complaints our staff handled, it appeared that the customers believed that their service was provided by C.I.O..

After its relationship with TeleConex was terminated, but prior to the termination of the Pre-Cell agreement, C.I.O. applied for a certificate to provide ALEC service on July 27, 1999. Prior to the approval of C.I.O.'s application, our staff received information from BellSouth regarding the installation of numerous lines and establishment of several accounts by C.I.O.. In addition, telephone calls to the telephone number listed on customer invoices resulted in a recording which announced that C.I.O. could provide telephone service. The recording instructed the caller to press a specified number for a list of products and services. This would lead a caller to believe that C.I.O. was providing telecommunications service. Based on the foregoing, it appears that C.I.O. is in violation of Rule 25-24.805(1), Florida Administrative Code.

b. Commission Access to Records

Section 364.183(1), Florida Statutes, provides in pertinent part:

The commission shall have access to all records of a telecommunications company that are reasonable and necessary for the disposition of matters within the commission's jurisdiction.

Section 364.185, Florida Statutes, provides in pertinent part:

The commission or its duly authorized representatives may during all reasonable hours enter upon any premises occupied by any telecommunications company and may set up and use thereon all necessary apparatus and appliances for the purpose of making investigations, inspections, examinations, and tests and exercising any power conferred by this chapter; however, the telecommunications company shall be notified of and be represented at the making of such investigations, inspections, examinations, and tests.

On October 20, 1999, our staff notified Mr. Richard Austin of the intent to conduct an audit of C.I.O.'s books and records. On

October 26, 1999, our staff called Mr. Austin and scheduled an audit for October 29, 1999. On the evening of October 28, 1999, Mr. Austin contacted our staff and canceled the audit. On October 29, 1999, our staff mailed a certified letter to Mr. Austin requesting that he respond with an acceptable time and date for staff to conduct the audit. Mr. Austin received the letter on November 1, 1999, but to date, our staff has not received a response. Based on the foregoing, it appears that C.I.O. is in violation of Sections 364.183(1) and 364.185, Florida Statutes.

III. Conclusion

Pursuant to Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each offense, if such entity 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. Utilities are charged with knowledge of our rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, we nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as C.I.O.'s conduct at issue here, would meet the standard for a "willful violation." We find that C.I.O.'s conduct in acting as an ALEC without a certificate of public convenience and necessity, in apparent violation of Commission Rule 25-24.805, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes. We also find that C.I.O.'s lack of cooperation with our staff concerning the requested audit, in apparent violation of Sections 364.183(1) and 364.185, Florida Statutes, is "willful" in the sense intended by Section 364.285, Florida Statutes.

Accordingly, C.I.O. shall show cause in writing within 21 days of the issuance of this Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative

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Code, Certificate of Public Convenience and Necessity Required. C.I.O. shall also show cause in writing within 21 days of the issuance of this Order why it should not be fined \$25,000 for apparent violation of Section 364.183, Florida Statutes, Access to company records, and Section 364.185, Florida Statutes, Investigations and inspections; power of commission.

If C.I.O. timely responds to this Order, this docket shall remain open pending the resolution of the show cause proceeding. C.I.O.'s response shall contain specific allegations of fact or law. If C.I.O. fails to respond to this Order to Show Cause, the fines shall be deemed assessed. If the fines are not paid within ten business days after this Order becomes final, the fines shall be forwarded to the Office of the Comptroller for collection, and this docket shall be closed administratively.

Any fines received by the Commission shall be forwarded to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that C.I.O., Inc. shall show cause in writing within 21 days of the issuance of this Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.805, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. It is further

ORDERED that C.I.O., Inc. shall show cause in writing within 21 days of the issuance of this Order why it should not be fined \$25,000 for apparent violation of Section 364.183, Florida Statutes, Access to company records, and Section 364.185, Florida Statutes, Investigations and inspections; power of commission. It is further

ORDERED that any response to this Order to Show Cause filed by C.I.O., Inc. shall contain specific allegations of fact or law and shall identify the company name and this docket number. It is further

ORDERED that failure by C.I.O., Inc. to respond to this Order to Show Cause in the manner and date set forth in the "Notice of Further Proceedings and Judicial Review" section of this Order shall constitute an admission of the violations described in the

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body of this Order, waiver of the right to a hearing, and the fines shall be deemed assessed. It is further

ORDERED that in the event C.I.O., Inc. fails to respond to this Order and the fines are not paid within ten business days after this Order becomes final, the fines shall be forwarded to the Office of the Comptroller for collection. It is further

ORDERED that any fines received by the Commission shall be forwarded to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. It is further

ORDERED that upon payment of the fines or referral to the Comptroller's Office, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of January, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

TV

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

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hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 28, 2000.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
C.I.O., Inc.

DOCKET NO. 990971-TX
ORDER NO. PSC-00-0078-PAA-TX
ISSUED: January 10, 2000

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING C.I.O., INC.'S APPLICATION FOR CERTIFICATE TO
PROVIDE ALTERNATIVE LOCAL EXCHANGE SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On July 27, 1999, C.I.O., Inc. (C.I.O. or company) submitted its application in order to provide alternative local exchange telecommunications service in Florida. After reviewing the application, our staff determined that revisions to the application were necessary. On July 30, 1999, staff mailed a letter to Mr. Rick Austin, President of C.I.O., stating that C.I.O. needed to amend its tariff and corporate filing information and submit an amended application for approval. Since C.I.O. did not respond to this letter, staff mailed a certified letter to C.I.O. on September 13, 1999, and requested receipt of the amended application by September 28, 1999. C.I.O. submitted the required information on September 21, 1999.

Staff placed its recommendation for approval of C.I.O.'s application on the October 5, 1999, Agenda Conference. Prior to

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the agenda date, however, staff began receiving customer complaints concerning C.I.O. Based on the number and substance of the customer complaints, on September 27, 1999, staff requested a deferral of this item in order to further investigate the customer complaints and the company.

Based on the investigation, it appears that C.I.O. was collecting payments for telephone service and not forwarding the payments to TeleConex. TeleConex, Inc. d/b/a TeleConex (TeleConex) is a certificated alternative local exchange company (ALEC) that entered into a marketing agreement with C.I.O. in September 1998. In addition, based on staff's discussions with concerned customers, it seems that Mr. Austin solicited many of TeleConex's customers, advising them that if they remained with TeleConex they might lose their telephone service. C.I.O. was alleged to have stated that if the customers switched their service to Pre-Cell they would receive service at a lower rate. Needless to say, many TeleConex customers were confused. Mr. Austin succeeded in changing some of TeleConex's customers to Pre-Cell. Pre-Cell Solutions, Inc. (Pre-Cell) is another certificated ALEC that entered into a marketing agreement with C.I.O. in May 1999. Staff began receiving customer complaints regarding C.I.O. and Pre-Cell. It appears that C.I.O. began soliciting customers in order to switch them from Pre-Cell to C.I.O.

Staff contacted C.I.O. and scheduled an audit for October 29, 1999. Prior to that time, Mr. Austin contacted staff and canceled the audit. To date, the audit has not been rescheduled.

In addition, on October 11, 1999, C.I.O. filed for a name change with the Secretary of State to change the name from C.I.O., Inc. to C.I.O.'s Family Phones Inc., but has not filed the same change with us as required by Rule 25-24.815, Florida Administrative Code. Furthermore, the telephone numbers for C.I.O. listed on its application and customer telephone bills have been disconnected.

Based on the above stated information, it appears that C.I.O. has not demonstrated nor do we believe C.I.O. has the managerial capability to operate a telecommunications company in Florida. Thus, we believe granting C.I.O. a certificate would not be in the public interest. Therefore, we deny C.I.O.'s application for certificate to provide alternative local exchange telecommunications service.

Therefore, it is

ORDERED by the Florida Public Service Commission that C.I.O., Inc.'s application to provide alternative local exchange telecommunications service in Florida is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of January, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

DWC

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

ORDER NO. PSC-00-0078-PAA-TX

DOCKET NO. 990971-TX

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 31, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
C.I.O., Inc.

DOCKET NO. 990971-TX
ORDER NO. PSC-00-0231-CO-TX
ISSUED: February 4, 2000

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-00-0078-PAA-TX, issued January 10, 2000, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-00-0078-PAA-TX has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 4th day of February, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: /s/ Kay Flynn
Kay Flynn, Chief
Bureau of Records

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)
DWC

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 judicial

ORDER NO. PSC-00-0231-CO-TX
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review of Commission orders that is available pursuant to Section 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 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 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.

**STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
BUREAU OF AUDITING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL**

(PLEASE PRINT OR TYPE)

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION

DATE: 2/22/00

CONTACT: EVELYN H. SEWELL, CHIEF, BUREAU OF FISCAL SERVICES

PHONE NUMBER: 413-6263

SAMAS ACCOUNT CODE: 61 20 2 573003 610000 00 000300
61 74 1 000331 610000 00 001200

991663-TX

C.I.O., Inc. .

AGENCY REFERENCE #	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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2350 Commerce Park Drive, Palm Bay, Florida 32905-7732

LAST KNOWN ADDRESS (INCLUDE ZIP)

HOME TELEPHONE	WORK TELEPHONE	PRINCIPLE AMOUNT	PENALTY/INTEREST AMOUNT	TOTAL
		\$50,000	\$0	\$50,000

§ 25-24.805, F.A.C.

§ 364.183 and 364.185, F.S.

01/28/00

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PENALTY/INTEREST AUTHORITY

DATE DEBT INCURRED

DEBT TYPE

Show Cause Fine

DEBT DESCRIPTION, e.g., DRIVER LICENSE, SALARY OVERPAYMENT, PROPERTY DAMAGE

ADDITIONAL INFORMATION, e.g., DATE OF BIRTH, DRIVER LICENSE NUMBER, ETC.