

ORIGINAL

BAR

State of Florida

Public Service Commission



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

DATE: April 24, 2000
TO: Steve Tribble, Director of Administration
FROM: Donna M. Clemons, Senior Attorney, Division of Legal Services *Dmc*
RE: Docket No. 991936-TI- Initiation of Show Cause Proceedings Against Western Telecom for Apparent Violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiry Required, and Section 364.604, F.S., Billing Practices.

On February 8, 2000, the Commission issued Order No. PSC-00-0261-SC-TI, in which it ordered Western Telecom to show cause, in writing within 21 days, why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Pursuant to that Order, the Commission also ordered Western Telecom to show cause, in writing within 21 days, why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, and \$5,000 per instance, or \$195,000, for violation of Section 364.604 (2), Florida Statutes, Billing Practices.

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 Western Telecom 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-00-0261-SC-TI became final on March 6, 2000. Western Telecom 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.

- On September 30, 1999, the Commission's Division of Consumer Affairs (CAF) received a complaint from a consumer regarding unauthorized services being added to the consumer's bill (cramming) by Western Telecom. On October 1, 1999, CAF forwarded the case

AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 MAS _____
 OPC _____
 PNR _____
 SEC _____
 WAW _____
 CTH _____

DOCUMENT NUMBER-DATE

05101 APR 25 8

FPSC-RECORDS/REPORTING

to the Commission's Division of Telecommunications for investigation. Initial investigations revealed that Western Telecom was apparently providing pre-paid long distance telecommunications services in Florida without a Certificate of Public Convenience and Necessity.

2. On October 5, 1999, our staff contacted Western Telecom by telephone and informed the company that it must obtain a certificate of public convenience and necessity. Western Telecom stated that it did not agree that it was required to obtain a certificate because it was a reseller and was not actually "carrying the call." Our staff explained that even as a reseller of long distance services using an underlying carrier, Western Telecom is still required to be certificated. On October 6, 1999, our staff sent a certified letter to Western Telecom, instructing it to apply for a certificate and to resolve the consumer complaint. On October 19, 1999, our staff received a second consumer complaint against Western Telecom for cramming, and again sent a letter to Western Telecom instructing it to resolve the consumer complaint.
3. On November 1, 1999, after receiving no response to its letter of October 6, 1999, our staff again contacted Western Telecom by telephone. Western Telecom informed our staff that it would resolve the consumer complaints and forward the requested application for certification to its home office in Seattle. By letter dated November 2, 1999, Western Telecom did, indeed, respond to our staff's inquiries with a letter, indicating that it had credited the consumers' accounts with the disputed amounts. Western Telecom failed, however, to submit the requested application for certification or acknowledge the request.
4. Subsequently, further investigations revealed 39 complaints between July 19, 1999, and October 19, 1999, against Western Telecom for cramming. Apparently, in mid-1999, Western Telecom began a telemarketing campaign in Florida to sell their prepaid long distance service without a certificate or an established tariff. The consumer complaints received to date indicate that the consumers did not authorize the service billed, and Western Telecom has been unable to produce any tape recordings or letters of authorization to support its claim to the contrary. Western Telecom refunded the disputed amount in each case.

Please find the following attached hereto:

MEMORANDUM TO STEVE TRIBBLE
DOCKET NO. 991936-TI
PAGE 3

- (a) Order No. PSC-00-0261-SC-TI
- (b) Order No. PSC-00-0478-CO-TI
- (c) State of Florida Office of the Comptroller Bureau of Auditing Delinquent
Accounts Receivable Transmittal

Western Telecom's mailing address is:

Western Telecom
24955 West Napoleon Avenue, Ste. 294
PMB 294
Metairie, LA 70001

DMC

cc: Division of Records and Reporting
Division of Communications (Watts, M.)

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

(PLEASE PRINT OR TYPE)

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION

DATE: 4/24/00

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

991936-TI

Western Telecom

AGENCY REFERENCE #	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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4955 West Napoleon Avenue, Ste. 294, PMB 294, Metairie, LA 70001

LAST KNOWN ADDRESS (INCLUDE ZIP)

HOME TELEPHONE	WORK TELEPHONE	PRINCIPLE AMOUNT	PENALTY/INTEREST AMOUNT	TOTAL
	(504) 461-4263	\$230,000	\$0	\$230,000

§§ 25-24.470 and 25-4.043, F.A.C.
§ 364.604, F.S.

PENALTY/INTEREST AUTHORITY	DATE DEBT INCURRED	DEBT TYPE
	02/8/00	8

Show Cause Fines

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

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of Show Cause Proceedings Against Western Telecom for Apparent Violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiry Required, and Section 364.604, F.S., Billing Practices.

DOCKET NO. 991936-TI
ORDER NO. PSC-00-0261-SC-TI
ISSUED: February 8, 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, AND NOTICE OF PROPOSED AGENCY ACTION ORDERING WESTERN TELECOM TO CEASE PROVIDING TELECOMMUNICATIONS SERVICES AND BILLING IN FLORIDA, ORDERING ALL FLORIDA CERTIFICATED IXCS TO CEASE PROVIDING SERVICE TO WESTERN TELECOM, AND ORDERING REFUNDS WITH INTEREST

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the proposed agency action discussed herein, requiring Western Telecom to cease providing telecommunications services and billing in Florida, requiring all Florida certificated IXCs to cease providing service to Western Telecom, and requiring refunds with interest, is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code.

A. BACKGROUND

On September 30, 1999, the Commission's Division of Consumer Affairs (CAF) received a complaint from a consumer regarding unauthorized services being added to the consumer's bill (cramming) by Western Telecom. On October 1, 1999, CAF forwarded the case to the Commission's Division of Telecommunications for investigation. Initial investigations revealed that Western Telecom was apparently

ORDER NO. PSC-00-0261-SC-TI
DOCKET NO. 991936-TI
PAGE 2

providing pre-paid long distance telecommunications services in Florida without a Certificate of Public Convenience and Necessity.

On October 5, 1999, our staff contacted Western Telecom by telephone and informed the company that it must obtain a certificate of public convenience and necessity. Western Telecom stated that it did not agree that it was required to obtain a certificate because it was a reseller and was not actually "carrying the call." Our staff explained that even as a reseller of long distance services using an underlying carrier, Western Telecom is still required to be certificated. On October 6, 1999, our staff sent a certified letter, attached hereto as Exhibit A, and incorporated herein by reference, to Western Telecom, instructing it to apply for a certificate and to resolve the consumer complaint. On October 19, 1999, our staff received a second consumer complaint against Western Telecom for slamming, and again sent a letter to Western Telecom instructing it to resolve the consumer complaint.

On November 1, 1999, after receiving no response to its letter of October 6, 1999, our staff again contacted Western Telecom by telephone. Western Telecom informed our staff that it would resolve the consumer complaints and forward the requested application for certification to its home office in Seattle. By letter dated November 2, 1999, Western Telecom did, indeed, respond to our staff's inquiries with a letter, attached hereto as Exhibit B, and incorporated herein by reference, indicating that it had credited the consumers' accounts with the disputed amounts. Western Telecom failed, however, to submit the requested application for certification or acknowledge the request.

Subsequently, further investigations revealed 39 complaints between July 19, 1999, and October 19, 1999, against Western Telecom for slamming. Apparently, in mid-1999, Western Telecom began a telemarketing campaign in Florida to sell their prepaid long distance service without a certificate or an established tariff. The consumer complaints received to date indicate that the consumers did not authorize the service billed, and Western Telecom has been unable to produce any tape recordings or letters of authorization to support its claim to the contrary. Western Telecom refunded the disputed amount in each case.

B. SHOW CAUSE ACTIONS

1. Provision of telecommunications services in Florida without a certificate of public convenience and necessity

Western Telecom acknowledges that it is reselling long distance services in Florida. Additionally, the written documentation attached hereto supports this conclusion. By offering telecommunications services in Florida without a certificate, Western Telecom appears to be in violation of Rule 25-24.470, Florida Administrative Code.

By Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to its 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 the Commission's 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 the company 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 Western Telecom's conduct at issue here, would meet the standard for a "willful violation." We find that Western Telecom's conduct in offering prepaid long distance service without a certificate of public convenience and necessity in apparent violation of Commission Rule 25-24.470, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes.

Accordingly, we find it appropriate to order Western Telecom to show cause in writing within 21 days of the date of this Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response shall contain specific allegations of fact or law. If Western Telecom fails to respond to the show cause order, the fine shall be deemed

assessed. If the fine is not paid within ten business days after the order becomes final, it shall be forwarded to the Office of the Comptroller for collection. If the fine is paid, we will then forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

2. Failure to respond to staff inquiries

Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, states:

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.

Western Telecom has failed to respond to or acknowledge our staff's request to submit a completed application to provide interexchange telecommunications services in Florida. By failing to submit an application for a certificate of public convenience and necessity as requested, Western Telecom appears to be in violation of Rule 25-4.043, Florida Administrative Code. Applying our previous analysis, we find that Western Telecom's conduct in failing to respond to our staff's request in apparent violation of Rule 25-4.043, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes.

Accordingly, Western Telecom is hereby ordered to show cause in writing within 21 days of the date of this Order why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response shall contain specific allegations of fact or law. If Western Telecom fails to respond to the show cause order, the fine shall be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it shall be forwarded to the Office of the Comptroller for collection. If the fine is paid, we will then forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

3. Unlawful Billing Practices

Section 364.604 (2), Florida Statutes, Billing Practices states:

(2) A customer shall not be liable for any charges for telecommunications or information services that the customer did not order or that were not provided to the customer.

Each of the consumers who filed a complaint with the Commission stated that they did not order the prepaid long distance service from Western Telecom for which they were billed, and Western Telecom has not provided information to the contrary. Thus, it appears that Western Telecom is in violation of Section 364.604(2), Florida Statutes. Based upon our previous analysis, we find that Western Telecom's conduct in billing consumers for services they did not order has been "willful" in the sense intended by Section 364.285, Florida Statutes.

Therefore, Western Telecom is ordered to show cause in writing within 21 days of the effective date of this Order why it should not be fined \$5,000 per instance, or \$195,000, for violation of Section 364.604 (2), Florida Statutes, Billing Practices. The company's response shall contain specific allegations of fact or law. If Western Telecom fails to respond to the show cause order, the fine shall be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it shall be forwarded to the Office of the Comptroller for collection. If the fine is paid, we will then forward it to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

C. PROPOSED AGENCY ACTION

1. Western Telecom shall cease providing telecommunications services in Florida and cease all back-billing and all future billing in Florida until authorized to do so

Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service

may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

Pursuant to Rule 25-24.4701(3), Florida Administrative Code, and based upon the apparent rule violations set forth herein, we find it appropriate to order Western Telecom to immediately cease providing telecommunications services in Florida, and to cease all back-billing and all future billing in Florida until authorized to do so by this Commission. Upon such authorization, Western Telecom shall obtain certification prior to initiating any billing of charges stemming from such authorized prepaid long distance service in Florida.

2. All Florida certificated interexchange companies shall cease providing service to Western Telecom

Also pursuant to Rule 25-24.4701(3), Florida Administrative Code, all Florida certificated interexchange companies (IXCs) shall discontinue providing service to Western Telecom because Western Telecom is apparently providing service without the required certificate. Any Florida certificated IXC providing interexchange telecommunications service to Western Telecom shall contact us at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded.

3. Western Telecom shall refund customers with interest

Western Telecom shall also refund all Florida customers who were billed for services provided by Western Telecom prior to certification. As previously noted, it appears that Western Telecom has been operating in Florida since mid-1999. Western Telecom shall, therefore, refund all unauthorized charges relative to intrastate toll charges, non-recurring long distance activation fees, and the unused portion of the recurring pre-paid long distance charges, pursuant to Rule 25-4.114, Florida Administrative Code, Refunds.

ORDER NO. PSC-00-0261-SC-TI
DOCKET NO. 991936-TI
PAGE 7

Western Telecom shall dispense all refunds with interest on a per customer basis, pursuant to Rules 25-4.114 (3) and (4)(d), Florida Administrative Code. Upon completion of the refunds, Western Telecom shall provide us with a refund report, pursuant to Rule 25-4.114 (7), Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Western Telecom shall show cause in writing within 21 days of the issuance date of this Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. It is further

ORDERED that Western Telecom shall show cause in writing within 21 days of the issuance date of this Order why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. It is further

ORDERED that Western Telecom shall show cause in writing within 21 days of the issuance date of this Order why it should not be fined \$5,000 per instance, or \$195,000, for violation of Section 364.604 (2), Florida Statutes, Billing Practices. It is further

ORDERED that any response to the Order to Show Cause filed by Western Telecom shall contain specific allegations of fact and law and shall identify the company name and this docket number. It is further

ORDERED that failure to respond to any of the show cause actions in this Order 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 body of this Order, waiver of the right to a hearing, and will result in the automatic assessment of the respective fine or fines. It is further

ORDERED that in the event Western Telecom fails to respond to any show cause action in this Order and the fine is not paid within ten business days after the Order becomes final, it shall be forwarded to the Office of the Comptroller for collection. It is further

ORDER NO. PSC-00-0261-SC-TI
DOCKET NO. 991936-TI
PAGE 8

ORDERED that Western Telecom shall immediately cease providing telecommunications services in Florida, and shall cease all back-billing and all future billing in Florida until authorized to do so by this Commission. Upon such authorization, Western Telecom shall obtain certification prior to initiating any billing of charges stemming from such authorized prepaid long distance service in Florida. It is further

ORDERED that, pursuant to Rule 25-24.4701(3), Florida Administrative Code, all Florida certificated interexchange companies shall cease providing service to Western Telecom. Any Florida certificated interexchange company providing interexchange telecommunications service to Western Telecom shall contact this Commission at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded. It is further

ORDERED that Western Telecom shall refund all Florida customers who were billed for services provided by Western Telecom prior to certification. Western Telecom shall refund all unauthorized charges relative to intrastate toll charges, non-recurring long distance activation fees, and the unused portion of the recurring pre-paid long distance charges. Western Telecom shall dispense all refunds with interest on a per customer basis, pursuant to Rules 25-4.114 (3) and (4)(d), Florida Administrative Code. Within sixty days of completion of the refunds, Western Telecom shall provide the Commission with a refund report, pursuant to Rule 25-4.114 (7), Florida Administrative Code. It is further

ORDERED that the provisions of this Order, which are issued as proposed agency action, requiring Western Telecom to cease providing telecommunications services and billing in Florida, requiring all Florida certificated IXCs to cease providing service to Western Telecom, and requiring refunds with interest, 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 this Docket shall remain open pending completion of the refund ordered herein, and to address any response to the show cause portions of this Order and any timely protest that may

ORDER NO. PSC-00-0261-SC-TI
DOCKET NO. 991936-TI
PAGE 9

be filed in response to the proposed agency action portions of this Order. It is further

ORDERED that if no response to the show cause portions of this Order is filed, and the proposed agency action portions of this Order become final and effective, this Docket shall be closed administratively, upon payment of the fines, completion of the refunds, and remittance of the refund report.

By ORDER of the Florida Public Service Commission this 8th day of February, 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)

DMC

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.

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.

The action proposed herein, requiring Western Telecom to cease providing telecommunications services and billing in Florida, requiring all Florida certificated IXCs to cease providing service to Western Telecom, and requiring refunds with interest, is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition

ORDER NO. PSC-00-0261-SC-TI
DOCKET NO. 991936-TI
PAGE 10

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, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 29, 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.

Any person whose substantial interests are affected by the show cause portions of this 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 February 29, 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: Initiation of show cause proceedings against Western Telecom for apparent violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Section 364.604, F.S., Billing Practices.

DOCKET NO. 991936-TI
ORDER NO. PSC-00-0478-CO-TI
ISSUED: March 6, 2000

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-00-0261-SC-TI, issued February 8, 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-00-0261-SC-TI has become effective and final. It is further

ORDERED that this docket shall remain open pending payment of the fines, completion of the refunds, and remittance of the refund report as set forth in Order No. PSC-00-0261-SC-TI.

By ORDER of the Florida Public Service Commission, this 6th day of March, 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)

DMC

ORDER NO. PSC-00-0478-CO-TI
DOCKET NO. 991936-TI
PAGE 2

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 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.