



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-

DATE: JUNE 8, 2000

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

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *W*
DIVISION OF COMPETITIVE SERVICES (BIEGALSKI) *W*

RE: DOCKET NO. 992029-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST TELECOMMUNICATIONS COOPERATIVE NETWORK, INC. FOR APPARENT VIOLATION OF RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES.

AGENDA: 6/20/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\992029.RCM

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CASE BACKGROUND

- March 25, 1999 - Telecommunications Cooperative Network, Inc. (TCN) obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 5808.
- August 5, 1999 - Staff mailed a certified letter to TCN requesting information pertaining to its operator service provider rates listed in its tariff. Staff requested a response by August 20, 1999. TCN failed to respond to staff's inquiry.
- February 17, 2000 - Order No. PSC-00-0312-SC-TI was issued ordering TCN to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. In addition, the Order required TCN to provide a written response to the requested information

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within ten business days of the issuance of the Order. The Order provided that the docket would remain open pending further show cause proceedings in the event TCN failed to provide a response to the requested information. Thereafter, TCN contacted staff regarding the cancellation of its certificate. Staff received a letter from TCN stating that it believed that the filed tariff revisions were response enough to staff's inquiry.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission revisit and rescind Order No. PSC-00-0312-SC-TI?

RECOMMENDATION: Yes. The Commission should revisit and rescind Order No. PSC-00-0312-SC-TI. (Biegalski)

ANALYSIS: Staff opened Docket No. 992029-TI on December 29, 1999, for TCN's failure to respond to an inquiry sent by staff regarding its operator service provider rates. Based on staff's recommendation, Order No. PSC-00-0312-SC-TI, issued February 17, 2000, required TCN to show cause why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, or have its certificate canceled. The Order stated that if TCN failed to respond to the Show Cause Order and the fines were not paid within ten business days after the 21 day show cause period, its certificate would be canceled.

Following the issuance of the Show Cause Order, TCN contacted staff to discuss the circumstances related to the cancellation of its certificate. TCN stated that it filed tariff revisions, and believed that it was in compliance upon submission of the tariff revisions. Staff reviewed the cover letter submitted by TCN with its tariff revision and discovered that the cover letter was not forwarded to the correct personnel for processing. Had TCN's cover letter been submitted to the appropriate staff person, it would have been considered a sufficient initial response to staff's inquiry. In addition, TCN's letter stated that no overcharges occurred. Based on the foregoing, the Commission should revisit and rescind Order No. PSC-00-0312-SC-TI.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon issuance of the Order. (Vaccaro)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon issuance of the Order.