



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: SEPTEMBER 14, 2000

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

FROM: DIVISION OF LEGAL SERVICES (BANKS) *FRB* *MLC*
DIVISION OF COMPETITIVE SERVICES (M. WATTS, TRUBELHORN) *MW* *TR*

RE: DOCKET NO. 001329-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST RADIANT TELECOM, INC. FOR APPARENT VIOLATION OF RULES 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES, 25-24.480, F.A.C., RECORDS & REPORTS; RULES INCORPORATED, 25-24.915, F.A.C., TARIFFS AND PRICE LISTS, 25-24.920, F.A.C., STANDARDS FOR PREPAID CALLING SERVICES AND CONSUMER DISCLOSURE, AND RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 09/26/00 - REGULAR AGENDA - ISSUES 1, 2, 3, 4 AND 6 - SHOW CAUSE - ISSUE 5 - PROPOSED AGENCY ACTION (PAA) - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001329.RCM

CASE BACKGROUND

- May 26, 1999 - Radiant Telecom, Inc. obtained Interexchange (IXC) Telecommunications certificate number 6098.
- December 28, 1999 - Staff notified Radiant Telecom, Inc. of a complaint regarding a prepaid phone card.
- February 17, 2000 - Since no response was received regarding the December 28, 1999, complaint, staff sent a certified letter to Radiant Telecom, Inc. requesting a response.

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FPSC-RECORDS/REPORTING

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- June 8, 2000 - Staff received another complaint about Radiant Telecom, Inc. regarding a prepaid phone card. Staff contacted Radiant Telecom, Inc. to discuss the complaint and tariff issues.
- June 12, 2000 - Staff sent Radiant Telecom, Inc. a letter detailing three issues that the company needed to address: the June 8, 2000, complaint, updating its tariff, and updating its Mailing and Liaison information. Staff requested a response by June 26, 2000.
- July 13, 2000 - Radiant Telecom, Inc. responded to the December 28, 1999, complaint.
- July 26, 2000 - Staff contacted Radiant Telecom, Inc. to inquire when it would respond to staff's June 12 letter. Staff agreed to give Radiant Telecom, Inc. until August 2, 2000, to respond.
- July 31, 2000 - Staff faxed a copy of the June 12, 2000, letter to Radiant Telecom, Inc. To date, no response has been received.
- August 25, 2000 - Staff conducted a Timing and Billing Reconciliation test (Attachment A, page 21) on a prepaid phone card issued by Radiant Telecom, Inc.

SUMMARY OF ISSUES

ISSUE NO.	APPARENT VIOLATION	RECOMMENDATION
Issue 1	Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries	Fine \$10,000 or cancel certificate
Issue 2	Rule 25-24.480, F.A.C., Records & Reports; Rules Incorporated	Fine \$500
Issue 3	Rule 25-24.915, F.A.C., Tariffs and Price Lists	Fine \$5,000
Issue 4	Rule 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure	Fine \$2,000 per violation, or \$10,000
Issue 5	Rule 25-4.114, F.A.C., Refunds	Order Radiant Telecom, Inc. to dispense refunds, with interest, to all Florida customers
Issue 6	Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies	Fine \$500

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order Radiant Telecom, Inc. to show cause why it should not be fined or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 6098 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6098 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(M. Watts)**

STAFF ANALYSIS: 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.

The Division of Consumer Affairs received a complaint about Radiant Telecom, Inc. on December 28, 1999, and forwarded it by fax to the company. Radiant Telecom, Inc. did not respond and staff sent the company a certified letter on February 17, 2000. Radiant Telecom, Inc. did not respond until July 13, 2000, or 198 days after the complaint was forwarded and 147 days after the certified letter was sent.

On June 8, 2000, staff contacted Radiant Telecom, Inc. by telephone to discuss another consumer complaint and inform it of the requirement to file a tariff amendment to include its prepaid calling services being sold in Florida. Staff followed up with a letter to Radiant Telecom, Inc. on June 12, 2000, requesting Radiant Telecom, Inc. to address three issues: the consumer complaint, updating its tariff, and providing the correct Mailing

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and Liaison information to the Commission. When no response was received, staff called Radiant Telecom, Inc. to ask about its response. Mr. Ken Jacobi, representing Radiant Telecom, Inc., requested an extension of the deadline to reply to staff to August 2, 2000, and advised staff that another person in the company, Mr. Omar Pesantes, would contact staff. Staff reached Mr. Pesantes on July 31, 2000, and faxed him a copy of the June 12, 2000, letter. To date, no reply has been received, the tariff has not been updated, and the information in the Master Commission Directory (MCD) is still incorrect.

By Section 364.285, Florida Statutes, the Commission is 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).

Staff believes that Radiant Telecom, Inc.'s failure to respond to staff's letter in apparent violation of Commission Rule 25-4.043, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled 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, the Commission 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 Radiant Telecom, Inc.'s conduct at issue here, would meet the standard for a "willful violation."

Therefore, since it appears that Radiant Telecom, Inc. refuses to respond to staff's correspondence regarding consumer complaints, staff recommends that the Commission order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 6098 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period

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and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6098 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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ISSUE 2: Should the Commission order Radiant Telecom, Inc. to show cause why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. (M. Watts)

STAFF ANALYSIS: Pursuant to Rules 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

On June 8, 2000, staff contacted the company and asked for the person listed in the MCD, Ms. Adriana Ryan. Staff was told that she was no longer with the company and was transferred to Mr. Ken Jacobi. Staff advised Mr. Jacobi that the company's Mailing and Liaison information was incorrect and needed to be updated in accordance with Rules 25-24.480(2)(a) and (b), Florida Administrative Code. It has been more than ten days and this information still has not been updated. Staff believes that the failure of Radiant Telecom, Inc. to update its Mailing and Liaison information constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Therefore, staff recommends that the Commission order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes,

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within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

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ISSUE 3: Should the Commission order Radiant Telecom, Inc. to show cause why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. (M. Watts)

STAFF ANALYSIS: Rule 25-24.915, Florida Administrative Code, states that it applies to all companies providing Prepaid Calling Services (PPCS) regardless of its certificate type or other tariff or price list requirements, and requires that each company providing PPCS file a tariff or price list for PPCS.

Radiant Telecom, Inc. obtained an IXC certificate on May 26, 1999, but did not include PPCS in its service offerings or its tariff. On December 28, 1999, and again on June 8, 2000, staff received complaints against Radiant Telecom, Inc. regarding PPCS. While investigating the June 8, 2000, complaint, staff reviewed Radiant Telecom, Inc.'s tariff and discovered that it did not include PPCS, in apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. Staff informed Radiant Telecom, Inc. via telephone on June 8, 2000, and by mail on June 12, 2000, that it needed to update its tariff to include PPCS. Staff believes that the failure of Radiant Telecom, Inc. to update its tariff to include PPCS constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Therefore, since it appears that Radiant Telecom, Inc. is providing PPCS without including it in its tariff, staff recommends that the Commission order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists.

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The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 4: Should the Commission order Radiant Telecom, Inc. to show cause why it should not be fined \$2,000 per violation, for a total of \$10,000, for apparent violation of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$10,000, for apparent violation of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(M. Watts)**

STAFF ANALYSIS: Staff acquired a Radiant Telecom, Inc. prepaid phone card in Florida with copies of the point-of-sale display (Attachment B, pages 22-23) to evaluate the service based on the information provided on the display and on the card since PPCS was not included in the tariff. Staff found five apparent violations on the printed material:

(1) Rule 25-24.920(1)(a), Florida Administrative Code, states:

(1) The following information shall be legibly printed on the card:

(a) The Florida certificated name, or "doing business as" name as provided for by Rule 25-24.910, clearly identified as the provider of the PPCS.

Radiant Telecom, Inc. does not have a "doing business as" name registered with the Commission and must therefore print its full name on the card. However, the card merely states, "Carrier services provided by RADIANT."

(2) Rule 25-24.920(2)(b), Florida Administrative Code, states:

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display

visible in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

(b) Applicable surcharges

The point-of-sale display clearly discloses the per-call surcharge and the payphone surcharge, but both it and the phone card state that maintenance fees and other fees may apply without stating the amount of the fees or the conditions under which they will apply. This does not allow the consumer to make an informed decision prior to purchase.

(3) Rule 25-24.920(6), Florida Administrative Code, states in part:

(6) A company shall not reduce the value of a card by more than the charges printed on the card, packaging, or visible display at the point of sale.

The point-of-sale display states that the rates are subject to change without notice. While a PPCS provider is allowed to recharge the prepaid phone card at a higher rate, subject to tariff limitations, it may not charge higher rates prior to the initial expiration (whether by charges or time limit) of the card. The statement that unspecified maintenance and other fees may apply also violates this rule, since the additional fees would reduce the value of the card by more than the charges printed on the card, packaging, or visible display at the point of sale.

(4) Rule 25-24.920(7), Florida Administrative Code, states:

(7) The billing increment shall not exceed one minute.

Both the card and the point-of-sale display indicate that the calls may be billed in 1- or 3-minute increments. In test calls made to customer service, the representative informed staff that the calls were billed in 3-minute increments.

(5) Rule 25-24.920(9), Florida Administrative Code, states:

(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.

The card states that a "1 or 3 min. minimum and increments may apply for all calls." If a 3-minute minimum is charged, then calls of less than 60 seconds would be rounded up to three minutes instead of one minute, as the rule requires.

Staff also made test calls to determine if the calls were charged according to the rates set forth in the printed material (Attachment B, pages 22-23), since the company does not include PPCS in its tariff on file with the Commission. Staff made calls until the card had a zero balance. Sixteen calls were made in all, with eight 58-second calls, four 60-second calls and four 61-second calls. On the seventeenth call attempt, the recording indicated the card had a zero balance.

The test call data indicates that the value of the card was reduced erratically (Attachment A, page 21). The calls were very consistent, yet the number of minutes deducted for each call varied from zero to 46, with most calls resulting in 33 minutes being deducted from the balance. The access charge advertised on the point-of-sale display, 48 cents, is equivalent to 26 minutes being deducted from the card each time a call is placed. Thus the minimum number of minutes deducted for each call should be 29 (a 3-minute minimum and 26 minutes for the access charge). If the calls had been charged consistently with the rates advertised on the card and point-of-sale display (1.9 cents/minute with a 48-cent per-call surcharge), staff would have been able to make 18 calls of less than three minutes duration each before reaching a zero balance on the card, but was only able to make 16 such calls.

Based on the above, it appears that Radiant Telecom, Inc. is providing PPCS in Florida without meeting Florida's service standards or consumer disclosure requirements, to the detriment of the consumers. Staff believes that Radiant Telecom, Inc.'s provision of PPCS without regard to service standards and consumer disclosure requirements constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Therefore, the Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$10,000, for apparent violation of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be

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remitted by the Commission to the State of Florida General Revenue
Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 5: Should the Commission order Radiant Telecom, Inc. to refund customers for unauthorized charges pursuant to Rule 25-4.114, Florida Administrative Code, Refunds?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to refund customers for all unauthorized charges relative to maintenance and other fees billed but not quantified on the printed material and billing in 3-minute increments versus the 1-minute increment billing required by Rules 25-24.920(7) and (9), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. Since Radiant Telecom, Inc. does not have customer information, the Commission should order Radiant Telecom, Inc. to dispense refunds, with interest, through credits to Florida prepaid phone cards with active Personal Identification Numbers in the manner prescribed by Rule 25-4.114, Florida Administrative Code. Any overcharges against inactive or expired prepaid phone cards, along with interest, should be remitted to the Commission and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes, at the end of the refund period. The refunds should be completed within 90 days after the PAA Order becomes final. The company may request that Commission staff provide applicable interest rate figures and assistance in calculations pursuant to Rule 25-4.114(4)(e). A final report should be submitted to the Commission at end of the refund period. **(M. Watts)**

STAFF ANALYSIS: This is the first time a refund issue for a prepaid phone card has been presented to the Commission. Although Radiant Telecom, Inc. does not have a PPCS price list in its tariff, its apparent practice of billing in 3-minute increments is clearly in conflict with Rules 25-24.920(7) and (9), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, and has effectively resulted in overcharges to its customers. Also, the statement on its printed material (Attachment B, pages 22-23) that other, unspecified fees may apply is in apparent violation of Rule 25-24.920(6), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, and may result in additional overcharges. Thus, the Commission should order Radiant Telecom, Inc. to refund customers for all unauthorized charges relative to maintenance and other fees billed but not quantified on the printed material and billing in 3-minute increments versus the 1-minute increment billing required by Rules 25-24.920(7) and (9), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure, pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. Since Radiant Telecom, Inc. does not

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have customer information, the Commission should order Radiant Telecom, Inc. to dispense refunds, with interest, through credits to Florida prepaid phone cards with active Personal Identification Numbers in the manner prescribed by Rule 25-4.114, Florida Administrative Code. Any overcharges against inactive or expired prepaid phone cards, along with interest, should be remitted to the Commission and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes, at the end of the refund period. The refunds should begin 90 days after the PAA Order becomes final and be completed within 30 days. The company may request that Commission staff provide applicable interest rate figures and assistance in calculations pursuant to Rule 25-4.114(4)(e). A final report should be submitted to the Commission 30 days after the end of the refund period.

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ISSUE 6: Should the Commission order Radiant Telecom, Inc. to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 Regulatory Assessment Fees (RAF), including statutory penalty and interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

(M. Watts)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of RAF by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

The Division of Administration's records show that Radiant Telecom, Inc. had not paid its 1999 RAF in full, plus statutory penalty and interest charges. Therefore, it appears the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and has not requested cancellation of its certificate in compliance with Rule 25-24.820, Florida Administrative Code.

Accordingly, staff recommends that the Commission order Radiant Telecom, Inc. to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If Radiant Telecom, Inc. fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response

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period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 RAF, including statutory penalty and interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 7: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, Radiant Telecom, Inc. will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed or have its certificate canceled. If Radiant Telecom, Inc. timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Radiant Telecom, Inc. fails to respond to the show cause order or pay the fine within the 21-day response period, certificate number 6098 should be canceled and this docket may be closed administratively if all other issues are closed.

If staff's recommendations in Issues 2, 3, 4 and 6 are approved, Radiant Telecom, Inc. will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If Radiant Telecom, Inc. timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Radiant Telecom, Inc. fails to respond to the show cause order, the fines should be deemed assessed. If the fines are not received within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively if all other issues are closed.

If staff's recommendation in Issue 5 is approved, this docket should remain open pending the conclusion of the refund or the resolution of a protest filed within 21 days of the issuance date of the Order by a person whose substantial interests are affected. If the PAA portion of this Order is not protested, it will become effective and final upon the issuance of a Consummating Order.
(Banks)

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, Radiant Telecom, Inc. will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed or have its certificate canceled. If Radiant Telecom, Inc. timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Radiant Telecom, Inc. fails to respond to the show cause order or pay the fine within the 21-day response period, certificate number 6098 should be canceled and this docket may be closed administratively if all other issues are closed.

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If staff's recommendations in Issues 2, 3, 4 and 6 are approved, Radiant Telecom, Inc. will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If Radiant Telecom, Inc. timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Radiant Telecom, Inc. fails to respond to the show cause order, the fines should be deemed assessed. If the fines are not received within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively if all other issues are closed.

If staff's recommendation in Issue 5 is approved, this docket should remain open pending the conclusion of the refund or the resolution of a protest filed within 21 days of the issuance date of the Order by a person whose substantial interests are affected. If the PAA portion of this Order is not protested, it will become effective and final upon the issuance of a Consummating Order.

TIMING AND BILLING RECONCILIATION WORKSHEET

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COMPANY KADIANI TELECOM INC. LOCATION TALLA-05559 DATE 8/21/00
 BILLING # 850/488-2786 CARRIER _____ SERVICE PCS
 CALLING CARD # 201 8800 534 ENGINEER PLT VERIFIED BY _____
 INTRALATA INTERLATA BILLING INCREMENT PER TARIFF? YES NO PCS NOT TARIFFED

	Arants Data		PSC TIME (SEC.)	BILL TIME (MIN.)	BILL STANDARD (MIN.)	TIMING ACCURACY			TARIFF STANDARD (MIN.)	BILLING ACCURACY				
						COR	UND	OVR		AMT	RATE PERIOD	COR	UND	OVR
1	START @ 0943 HRS,													
2		TO												
3	CALL #1	302/221-2049	58 SEC		✓									
4	2	1223-0699	58 SEC		✓									
5	3	1227-9999	58 SEC		✓									
6	4	1227-6863	58 SEC		✓									
7	5	1221-2049	58 SEC		✓									
8	6	1223-0699	58 SEC		✓									
9	7	1227-9999	58 SEC		✓									
10	8	1227-6863	58 SEC		✓									
11	9	1221-2049	60 SEC		✓									
12	10	1223-0699	60 SEC		✓									
13	11	1227-9999	60 SEC		✓									
14	12	1227-6863	60 SEC		✓									
15	13	1221-2049	61 SEC		✓									
16	14	1223-0699	61 SEC		✓									
17	15	1227-9999	61 SEC		✓									
18	16	1227-6863	61 SEC		✓									
19	17													
20														
21														
22														
23														
24														
25														
26	TEST CALLS TO CUSTOMER													
27	SERVICE 1-800/832-8875													
28														
29	8/25	0918 HRS												
30	8/25	1510 HRS												
31														
32														



INSTRUCCIONES

- 1 Dial 1-800-538-3632
- 2 Enter your Calling Card Number.
- 3 For USA, 800's & Canada: Dial 1 + Area Code + Number.
For International: Dial 011 + Country Code + City Code + Number + #



INSTRUCCIONES

- 1 Marque 1-800-538-3649
- 2 Marque el Número de su Tarjeta.
- 3 Para E.U., 800's y Canada: Marque 1 + Código del Área + Número.
Para Internacional: Marque 011 + Código del País + Código de la Ciudad + Número + #

To make another call, do not hang up, push ## - dial the number.

100457-26647565

Para hacer otra llamada, no cuelgue, presione ## + marque el número.

Not responsible for lost or stolen cards. Non-refundable. Good for 6 months after first use. 1 or 3 min. minimum and increments may apply for all calls. Maintenance and communication fees may apply.

Carrier services provided by RADIANT

Customer Service 1-800-832-9875



PREPAID PHONE CARDS

Only

19¢
PER
MIN.

Anywhere In The
USA



NO COINS NEEDED • 800# ACCESS

\$5 = 237 MINS

\$10 = 501 MINS

\$20 = 1026 MINS

Access charge for each call: Contiguous Domestic 48¢, International *\$1.00, **\$1.50, ***\$2.00. 1 or 3 min. billing increments may apply per state regulation. Additional 48¢ payphone access charge applies as mandated by FCC. All minutes are based on one continuous call. All calls are subject to maintenance fees and applicable taxes may apply. Cards are valid for 6 months from first use. Rates are subject to change without notice. Carrier services provided by Radiant Telecom, Inc.