

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

SEPTEMBER 26, 2000

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 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

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

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

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REMARKS/DISSENTING COMMENTS:

*Staff to advise*

**DEFERRED**

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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.

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.

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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.

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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.

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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.

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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.

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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.