

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against WebNet Communications, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, and Toll Provider Selection.

DOCKET NO. 001109-TI

DATED: SEPTEMBER 27, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order Nos. PSC-01-1521-PCO-TI, and PSC-01-1521A-PCO-TI, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Melinda Watts

b. All Known Exhibits

Exhibits MW-1, MW-2, MW-3.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE A: What is the Commission's jurisdiction in this matter?

Position

STAFF: The Commission is vested with jurisdiction over these matters pursuant to Sections 364.01, 364.183, 364.285, and 364.603, Florida Statutes.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

ISSUE 1(a): During the period of April 21, 2000, through February 16, 2001, did WebNet Communications, Inc. willfully violate or refuse to comply with Rule 25-4.118, Florida Administrative Code, which prohibits unauthorized carrier changes?

Position

Yes. During the period of April 21, 2000, through February 16, 2001, did WebNet Communications, Inc. willfully violate or refuse to comply with Rule 25-4.118, Florida Administrative Code, which prohibits unauthorized carrier changes

ISSUE 1(b): If so, how many willful violations were there, and what is the appropriate action, penalty, and/or fine to be imposed by the Commission for any such violations?

Position

There were 58 willful violations. The appropriate action, penalty, or fine is for the Commission to fine WebNet \$10,000 for each violation, for a total of \$580,000.

e. Pending Motions

Staff's August 17, 2001, request for leave to late-file the testimony of Melinda Watts.

g. Compliance with Order Nos. PSC-01-1521-PCO-TI, and PSC-01-1521A-PCO-TI

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

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Respectfully submitted this 27<sup>th</sup> day of September, 2001.

A handwritten signature in cursive script, appearing to read "Wayne D. Knight", is written over a horizontal line.

WAYNE D. KNIGHT, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION  
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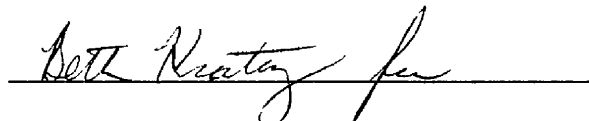
DATED: September 27, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of STAFF'S PREHEARING STATEMENT has been served to the following by U. S. Mail this 27<sup>th</sup> day of September 2001:

WebNet Communications, Inc.  
8260 Greensboro Drive, #240  
McLean, Virginia 22102-3848

Paul A. Dean, Esquire  
The Helein Law Group, P.C.  
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McLean, Virginia 22102

  
WAYNE D. KNIGHT, Staff Counsel

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