

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-02-0404-FOF-TI
ISSUED: March 25, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER CLOSING DOCKET

BY THE COMMISSION:

On February 8, 2000, we issued Order No. PSC-00-0261-SC-TI ordering Western Telecom to show cause why it should not be fined 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; to cease providing service and billing in Florida; ordering all interexchange companies to cease providing service to Western Telecom; and ordering refunds with interest.

Western Telecom did not respond to Order No. PSC-00-0261-SC-TI. On May 2, 2000, we sent the necessary documents to the Office of the Comptroller for collection of the fines we imposed. On January 16, 2001, the Office of the Comptroller issued a letter approving our request to write off Western Telecom's debt as

DOCUMENT NUMBER-DATE

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uncollectible. Thereafter, between January of 2001 and January of 2002, our staff attempted several times to locate the principals of Western Telecom, but were unsuccessful.

We are vested with jurisdiction over this matter pursuant to Sections 364.01, 364.285, 364.33, 364.335 and 364.604, Florida Statutes.

By Order No. PSC-00-0261-SC-TI, issued February 8, 2000, Western Telecom was ordered to do the following:

A. Show cause why it should not be fined for apparent violation of Commission rules;

B. Cease providing telecommunications services in Florida;

C. Cease all back-billing and all future billing in Florida until authorized to do so by this Commission; and

D. Refund, with interest, all Florida customers who were billed for services provided by Western Telecom prior to certification.

As noted above, Western Telecom never responded to the Order or paid the fines, and the fines were sent to the Office of the Comptroller for collection. Our Order required that Docket No. 991936-TI remain open pending completion of the refund. Western Telecom has not fully complied with the Order.

Based on consumer complaints filed with the Commission, it appears that Western Telecom has ceased providing telecommunications services and billing in Florida. The last consumer complaint against the company was received on August 15, 2000. Our complaint records show that all of the Florida complainants received either a refund or a zero balance on their accounts, which were then closed.

We received information in May 2001, of a possible address in Florida occupied by Western Telecom. Our staff visited the address in early June 2001, but did not find evidence of Western Telecom's presence. Our staff interviewed tenants of the office complex to see if anyone remembered Western Telecom being there. A business

ORDER NO. PSC-02-0404-FOF-TI
DOCKET NO. 991936-TI
PAGE 3

owner in an adjacent facility reported that Western Telecom had been there but had vacated the property approximately six months earlier.

Upon consideration, we find that there is no further action necessary for us to take in this docket. The Office of the Comptroller has approved our request to write off Western Telecom's debt as uncollectible. We have not been able to locate the principals of the company, and believe that Western Telecom is no longer doing business in Florida. Accordingly, this docket is hereby closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket is closed.

By ORDER of the Florida Public Service Commission this 25th Day of March, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

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ORDER NO. PSC-02-0404-FOF-TI
DOCKET NO. 991936-TI
PAGE 4

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 the Commission Clerk and Administrative Services 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.