

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to provide  
interexchange telecommunications  
service by TELECUBA, INC.

DOCKET NO. 011008-TI  
ORDER NO. PSC-02-0407-PAA-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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING CERTIFICATE TO PROVIDE  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES

BY THE COMMISSION:

On August 3, 2001, TELECUBA, INC. (TELECUBA) filed an application to provide interexchange telecommunications service (IXC) in Florida. Although not mentioned in the application, during our staff's review it was discovered that TELECUBA had previously been involved in Docket No. 960217-TI, Initiation of Show Cause Proceeding for Violation of Rule 25-24.470, Florida Administrative Code, Certification of Public Convenience and Necessity Required.

In the Show Cause docket, we accepted TELECUBA's settlement offer of a \$7,000 contribution to the Florida General Revenue Fund, placement of advertisement indicating how to obtain a refund in the local media where non-working cards were sold, and verification of \$12,055.00 in refunds to affected customers of non-working cards. As part of the settlement offer, TELECUBA explained that it was operating as a marketer and distributor of the cards and not as a reseller. The proposal also requested that the IXC application of World Long Distance, Inc. (Docket No. 960295-TI) be promptly processed. Our staff had withheld processing that application due

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ORDER NO. PSC-02-0407-PAA-TI  
DOCKET NO. 011008-TI  
PAGE 2

to the show cause proceeding and because the sole office holder and shareholder was the same for TELECUBA and World Long Distance, Inc.

On July 30, 1997, World Long Distance, Inc.'s IXC certificate became active. On February 7, 2000, the certificate was canceled in Docket No. 991542-TI for nonpayment of Regulatory Assessment Fees for 1998 and for violation of Rule 25-24.480, Florida Administrative Code, which requires notification of any company address change. When the certificate was canceled, the company owed Regulatory Assessment Fees for 1998, 1999, and 2000.

On August 10, 2001, our staff informed TELECUBA's application liaison office of the omission of the above information in the application. On September 25, 2001, revised application pages 8 and 9 were filed. The company also stated, "As set forth in the Application, as amended, TELECUBA is willing to pay to the Commission any outstanding fees, penalties, fines or interest accrued by World Long Distance, Inc., a former affiliate of the Applicant."

On October 30, 2001, our staff sent a certified letter to the application liaison office expressing our staff's concerns with the applicant's history with this Commission. TELECUBA's November 2, 2001, response to our staff's letter of concern indicated that the company now had an "in-house person dedicated to state and federal regulatory matters." The "in-house person" also handles customer service and accounting matters. In addition, the attorney for TELECUBA stated that the company was contracting with Telecom Compliance Services, Inc. for regulatory compliance matters and was willing to pay any outstanding fees, penalties, fines or interest owed by World Long Distance, Inc. The letter further stated, "The Commission has the company's assurances that all authorizations will be kept current, and there will be no further penalties or revocations." These were positive developments and indicated TELECUBA's interest in addressing our staff's concerns. At this point, however, the company was planning to have three regulatory liaisons, which created too many coordination issues.

On January 4, 2002, we received the 1998, 1999, and 2000 regulatory assessment fees with penalties and interest for World Long Distance, Inc. On February 12, 2002, we further received the \$1,000 fine imposed on World Long Distance, Inc. in Docket No.

ORDER NO. PSC-02-0407-PAA-TI  
DOCKET NO. 011008-TI  
PAGE 3

991542-TI. By letter dated February 19, 2002, TELECUBA informed the Commission that it has hired an attorney who is licensed to practice law in the State of Florida, who will act as the single point of contact with the Commission for regulatory compliance. By having one regulatory liaison, TELECUBA has addressed the concerns with the coordination issues described above.

TELECUBA has made payment in full for the outstanding Regulatory Assessment Fees, including penalties and interest, and the associated fine imposed in Docket No. 991542-TI. Also, TELECUBA has committed to a regulatory compliance plan that addresses our staff's concerns. By making payment in full for this affiliate, we believe this demonstrates some level of accountability for these past infractions. In addition, these past infractions could be viewed as administrative in nature, instead of conscious violations of Commission rules and regulations.

Therefore, we believe that TELECUBA has shown to have sufficient technical, financial, and managerial capability to provide IXC services. Accordingly, we hereby grant Certificate No. 8055 to TELECUBA.

If this Order becomes final and effective, it shall serve as TELECUBA's certificate. TELECUBA should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed each December to TELECUBA for payment by January 30th. Neither the cancellation of, the certificate nor the failure to receive a RAFs

ORDER NO. PSC-02-0407-PAA-TI  
DOCKET NO. 011008-TI  
PAGE 4

Return notice shall relieve TELECUBA from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant Certificate No. 8055 to TELECUBA, Inc., which shall authorize it to provide Interexchange Telecommunications services, subject to the terms and conditions specified in the body of this Order. It is further

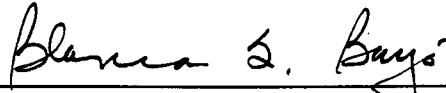
ORDERED that this Order shall serve as TELECUBA, Inc.'s certificate and should be retained by TELECUBA, Inc. as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

ORDER NO. PSC-02-0407-PAA-TI  
DOCKET NO. 011008-TI  
PAGE 5

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



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

( S E A L )

KMP

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action

ORDER NO. PSC-02-0407-PAA-TI  
DOCKET NO. 011008-TI  
PAGE 6

proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 15, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.