

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 5, 2002

RE: Docket No. 020646-TX - Compliance investigation of CAT Communications International, Inc. for apparent violation of Rule 25-4.110(16), F.A.C., Customer Billing for Local Exchange Telecommunications Companies. (Deferred from October 15, 2002 conference; revised recommendation filed.)

ISSUE 1: Should the Commission order CAT Communications International, Inc. (CCI) to remove local service freezes, at no cost to its customers, on all active customers' lines for apparent violation of Rule 25-4.110(16), Florida Administrative Code, and order CAT Communications International, Inc. to notify all active customers in writing that local service freezes have been removed and that, upon request, a local service freeze is available at no cost to the customer?

RECOMMENDATION: Yes. Staff recommends that the Commission should order CAT Communications International, Inc. to do the following to remedy its apparent violation of Rule 25-4.110(16), Florida Administrative Code:

1. Identify by telephone number all customer lines which have a local service freeze assigned;
2. Submit local service requests (LSRs) to the appropriate underlying local exchange company to remove all local service freezes at no cost to its customers; and

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Shady Bradley

Michael...

John...

J. Jerry Dean

Richard A. Palach

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER DATE

12142 NOV-5 02

FPSC-COMMISSION CLERK

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3. Notify all active customers in writing that a local service freeze is available at no cost to the customer. The letter should clearly state that the option for a local service freeze is exclusively the right of the customer.

If the Proposed Agency Action Order is not protested within 21 calendar days of issuance, the Commission's order will become final upon issuance of the Consummating Order. The company should be required to submit a written report to the Commission no later than 30 calendar days after the issuance of the Consummating Order. The company's written report should contain the following:

- a. A list of the telephone numbers on which the company had placed a local service freeze;
- b. A list of the purchase order numbers, by telephone number, for which the company submitted an LSR to the underlying local exchange companies to remove the local service freezes;
- c. A copy of the notification sent to CCI's customers in accordance with 3. above;
- d. A copy of the company's current letter of authorization; and
- e. A statement that CCI does not require a local service freeze as a condition of service.

If the Proposed Agency Action Order is not protested within 21 calendar days of issuance, and if the company fails to comply with the terms of the Proposed Agency Action Order, then ALEC Certificate No. 7160 should be canceled for apparent failure to comply with Rule 25-4.110(16), Florida Administrative Code, and with the Commission's decision from this recommendation, and the company should be required to immediately cease and desist providing ALEC telecommunications services in Florida.

MODIFIED *Approved with the modification that the company is to send a letter to all customers signed up prior to 8/1/02, with responses required from only those customers affirmatively electing to retain the freeze. Customer responses will be due within 30 days from the date on the notification letter. The letter, which is to be reviewed and approved by staff prior to mailing, is to contain a date certain for customer responses and must be*

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the Commission's proposed agency action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Proposed Agency Action Order will become final upon issuance of a Consummating Order. If the Commission's Order is not protested, CCI will have 30 calendar days after issuance of the Consummating Order to submit a written report to the Commission demonstrating that it has complied with the provisions of the Commission's Order. If staff determines that CCI has complied with the provisions of the Commission's Order, then this docket should be closed administratively. If CCI fails to demonstrate that it has complied with the provisions of the Commission's Order, then ALEC Certificate No. 7160 should be canceled, the company should be required to immediately cease and desist providing ALEC telecommunications services in Florida, and this docket should be closed administratively.

APPROVED