

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: JANUARY 9, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (BUYS) DRB
OFFICE OF THE GENERAL COUNSEL (L. FORDHAM) c.f. BK

RE: DOCKET NO. 020665-TI - COMPLIANCE INVESTIGATION OF
TELECORE COMMUNICATIONS FOR APPARENT VIOLATION OF RULE 25-
24.910, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REQUIRED, AND RULE 25-4.043, F.A.C., RESPONSE TO
COMMISSION STAFF INQUIRIES.

AGENDA: 01/21/03 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020665S.RCM

RECEIVED 11:50
JAN-9 4:10:58
COMMISSION CLERK

CASE BACKGROUND

- January 9, 2002, through June 17, 2002 - Staff sent two certified letters, one letter, several facsimiles, and made several phone calls to Telecore Communications, Corp. (Telecore) requesting replies to consumer complaints and inquiring into the company's failure to obtain an interexchange company (IXC) certificate to provide IXC telecommunications and prepaid calling services in Florida. The company failed to respond to staff's inquiries or submit its certificate application.
- July 9, 2002 - Staff opened this docket to address Telecore's apparent violation of Rule No. 25-24.910, Florida Administrative Code, Certificate of Public Convenience and

DOCUMENT NUMBER DATE

0281 JAN-98

FPSC-COMMISSION CLERK

Necessity Required, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

- September 9, 2002 - In this docket, the Commission issued Order No. PSC-02-1231-PAA-TI in which it penalized Telecore a total of \$35,000: \$25,000 for failure to comply with Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and \$10,000 for failure to comply with Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.
- September 26, 2002 - Legal counsel for Telecore filed a petition for a formal hearing in this docket.
- October 1, 2002, through November 25, 2002 - Staff and legal counsel for Telecore conducted discussions to resolve the issues in this docket. Both parties agreed that Telecore was part of the corporate structure of Orion Telecommunications, Corp., holder of IXC certificate No. 8042.
- November 26, 2002 - Legal counsel for Telecore submitted the company's settlement proposal (Attachment A) to staff via facsimile to resolve the issues in this docket.
- December 24, 2002 - In Docket No. 021260-TI, legal counsel for Telecore submitted a request for a name change (Attachment B) on certificate No. 8042, issued to Orion Telecommunications, Corp., to add Telecore Communications, Corp. as a d/b/a.

The Commission is vested with jurisdiction over these matters pursuant to Sections 364.183, 364.285, and 364.337, Florida Statutes. Further, staff's recommendations are consistent with prior Commission actions on similar issues in previous dockets. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Telecore Communications, Corp. which includes a contribution of \$15,000 to the State General Revenue Fund to resolve the apparent violations of Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. The monetary contribution should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund. The payment should identify the docket number and company name. If the company's payment is not received within fourteen calendar days after the issuance of the Order, IXC certificate No. 8042 should be cancelled. If the company's IXC certificate is cancelled, Telecore Communications, Corp. should be required to immediately cease and desist providing prepaid calling services and IXC telecommunications services in Florida. **(Buys, L. Fordham)**

STAFF ANALYSIS: As outlined in the case background, the Commission penalized Telecore a total of \$35,000 for failing to comply with Rule 25-24.910, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

After requesting a hearing, Orion Telecommunications, Corp. admitted that the entity known as Telecore was part of its own corporation and that to resolve the apparent rule violations, it would add Telecore Communications, Corp. as a doing-business-as name to its existing certificate. The Commission granted Orion Telecommunications, Corp. IXC certificate No. 8042 on July 2, 2002, in Docket No. 011661-TI.

To resolve the apparent violation of Rule Nos. 25-24.910 and 25-4.043, Florida Administrative Code, in its settlement proposal dated November 26, 2002, Telecore offered the following:

- Make a voluntary contribution to the State General Revenue Fund in the amount of \$15,000 - \$10,000 for its failure to comply with Rule 25-24.910, Florida Administrative Code, and \$5,000 for its failure to comply with Rule 25-4.043, Florida Administrative Code.

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- File immediately [with the Florida Secretary of State] to do business as "Telecore Communications, Corp."
- Apply to the Commission for approval to modify its certificated name to include Telecore Communications, Corp. as a d/b/a.

The monetary amount of Telecore's settlement proposal is consistent with other settlement proposals the Commission has accepted in previous dockets for the same rule violations. In addition, in Docket No. 021260-TI, the company filed its request to add Telecore Communications, Corp. as a d/b/a to certificate No. 8042. Further, Telecore has resolved all consumer complaints filed with the Commission against the company. Therefore, staff believes that Telecore has taken the necessary actions to correct the problems causing the apparent rule violations and the Commission should accept the company's settlement proposal.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation, this docket should remain open pending remittance of Telecore's contribution of \$15,000. If the company fails to remit the contribution within fourteen calendar days of the issuance date of the Commission's Order, certificate No. 8042 should be cancelled. Docket No. 020665-TI should be closed administratively upon either receipt of the \$15,000 contribution or upon cancellation of the company's certificate. **(L. Fordham)**

STAFF ANALYSIS: If the Commission approves staff's recommendation, the Order issued will be final and Docket No. 020665-TI should be closed administratively upon either receipt of the company's contribution of \$15,000 or upon cancellation of the company's certificate.

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KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.

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SEAN A. MOYNIHAN
MARY A. MOONEY
JOHN T. UM
JOSHUA D. ROSE
DEENA B. BURGESS

CONFIDENTIAL
FOR SETTLEMENT PURPOSES ONLY

November 26, 2002

VIA FACSIMILE (850) 413-6537 AND FIRST CLASS MAIL

Mr. Dale R. Buys
Regulatory Analyst/Bureau of Service Quality
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 020665 - TI
Notice of Proposed Agency Action Order Imposing Penalties

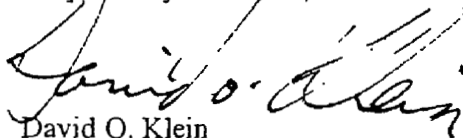
CONFIDENTIAL SERVICES
2002 11 26 11:11 AM

Dear Mr. Buys:

Further to our conversation of this morning, on behalf of our client, Orion Telecommunications Corp. d/b/a Telecore Communications Corp. ("Orion"), I hereby propose to settle the above-referenced docket as follows: 1) Orion will immediately file to do business as "Telecore Communications Corp." in the State of Florida; 2) Orion will, thereafter, apply to the Florida Public Service Commission for approval to modify its Certificate of Public Convenience and Necessity to include doing business as Telecore Communications Corp.; and 3) without any admission of liability, Orion will agree to pay reduced fines of Ten Thousand Dollars (\$10,000.00) to settle the alleged 25-24.910 violation and Five Thousand Dollars (\$5,000.00) to settle the alleged 25-4.043 violation, respectively, to be remitted to the order of the State of Florida General Revenue Fund.

Please review this good faith settlement offer at your earliest convenience. I look forward to a prompt and amicable resolution to this matter.

Respectfully submitted,


David O. Klein

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Attachment B



TELECOM CERTIFICATION & FILING, INC.
485 MADISON AVENUE
NEW YORK, NEW YORK 10022-5803
TEL (212) 546-9090
FAX (212) 753-8101
e-mail: dklein@teffile.com

ORIGINAL

DISTRIBUTION CENTER

02 DEC 24 AM 8:55

December 20, 2002

Blanca S. Bayo, Director
Division of the Commission Clerk and
Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

021260-77

Re: Amendment to Certificate of Public Convenience and Necessity
Orion Telecommunications, Corp., Company Code TJ625

Dear Ms. Bayo:

On behalf of the above-referenced company, we write for purposes of requesting an amendment to the Certificate of Public Convenience and Necessity ("Certificate") to provide resold interexchange telecommunications services. In addition to its legal name, Orion Telecommunications, Corp. ("Orion") plans to conduct business in the State of Florida under the fictitious name "Telecore Communications, Corp." Therefore, we hereby request that the Public Service Commission amend Orion's Certificate to include "Telecore Communications, Corp." as a d/b/a.

Orion filed the fictitious name with the Florida Department of State, Division of Corporations, on December 12, 2002. We have enclosed one copy of the fictitious name proof of filing for your file.

I thank you in advance for your cooperation in connection with this matter. Should you have any questions, please call me at (212) 935-6020.

Respectfully submitted,

David O. Klein

Att.

- 7 -

www.telfile.com

DOCUMENT NUMBER-DATE

14004 DEC 24 02

FPSC-COMM. CLERK

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Attachment B

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

DOCUMENT# G02346900240

Fictitious Name to be Registered: TELECORE COMMUNICATIONS, CORP

Mailing Address of Business: 42-40 BELL BOULEVARD
BAYSIDE, NY 11361

Florida County of principal place of business: MULTIPLE

FEI Number: 06-1507207

FILED
Dec 12, 2002
Secretary of State

Owner(s) of Fictitious Name:

ORION TELECOMMUNICATIONS, CORP.
42-40 BELL BOULEVARD
BAYSIDE, NY 11361
Florida Registration Number: F98000006092
FEI Number. 06-1507207

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

AVERY FISHER, ESQ
Electronic Signature(s)

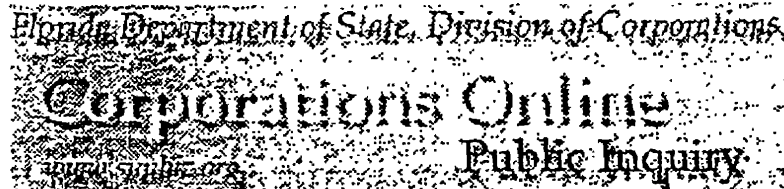
12/12/2002
Date

Certificate of Status Requested (X)

Certified Copy Requested ()

Division of Corporations

Page 1 of 1



TELECORE COMMUNICATIONS, CORP.
42-40 BELL BOULEVARD
BAYSIDE, NY 11361

| | | |
|--|------------------------------------|---------------------------------|
| Document Number G02346900240 | Status ACTIVE | Date Filed 12/12/2002 |
| Expiration Date 12/31/2007 | Current Owners 000000001 | County MULTIPLE |
| Total Pages 000000001 | Events Filed 000000000 | FEI Number 061507207 |

No Filing History

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Owner Information

| Name & Address | FEI Number | Charter Number |
|---|------------|----------------|
| ORION TELECOMMUNICATIONS, CORP 42-40 BELL BOULEVARD BAYSIDE, NY 11361 | 061507207 | P98000006092 |

Document Images

Listed below are the images available for this filing.

G02346900240 -- 12/12/2002 -- Fictitious Name Filing

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Fictitious Name Inquiry](#)

[Fictitious Name Help](#)