

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date:	9/29/2005	Docket No.:	050682-TX
1. Division Name/Staff Name:	Division Of Competitive Markets And Enforcement/Curry		
2. OPR:	Curry, CMP		
3. OCR:	GCO		
4. Suggested Docket Title:	Compliance investigation of Saluda Networks Incorporated for apparent violation of Rule 25-22.032(6)(b), F.A.C., Customer Complaints		
5. Suggested Docket Mailing List (attach separate sheet if necessary)			
A. Provide NAMES OR ACRONYMS ONLY if a regulated company.			
B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)			
1. Parties and their representatives (if any):			
Saluda Networks Incorporated (TX729)			
2. Interested persons and their representatives (if any):			
6. Check one:			
<input checked="" type="checkbox"/> Documentation is attached.			
<input type="checkbox"/> Documentation will be provided with recommendation.			

DOCUMENT NUMBER-DATE

09251 SEP 29 05

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

September 1, 2005

Mr. Mario Yerak
782 NW 42nd Avenue Suite 210
Miami, Florida 33126

Certified 7004 1160 0004 5749 7258

Re: Customer Complaints

Dear Mr. Yerak:

The Commission has received three customer complaints against Saluda Networks Incorporated (Saluda). According to the complainants, they paid in advance for their local telephone service, however, their services were disconnected without notice. The customers are requesting a refund for services which the company received payment but did not provide. Copies of the complaints are attached for you to review. After reviewing the complaints, please investigate the complaints, contact the customers, and submit to staff a written response for each of the complaints. The responses should verify that the customers were contacted and that their complaints have been resolved. You may fax your responses to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us.

In addition, it appears that Saluda may no longer be in business and has discontinued service for all of its customers. If Saluda is no longer in business the company should refund every customer, in addition to the three customers that have filed complaints, that paid in advance for services that were not provided. Rule 25-4.110(18), Florida Administrative Code, requires that a company credit customers for services billed but not provided. If Saluda is no longer operating and does not have need for its certification please submit a written request for cancellation of Certificate No. 8376. Rule 25-24.820(2), Revocation of a Certificate, Florida Administrative Code, states:

If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be cancelled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Mr. Mario Yerak
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August 31, 2005

You may submit your request to cancel your certification to the following address:

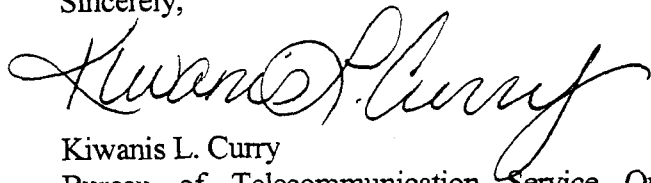
Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Please submit the requested information no later than **September 15, 2005**. If Saluda fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

If you have any questions or concerns, you may contact me at (850)413-6662.

Sincerely,



Kiwanis L. Curry
Bureau of Telecommunication Service Quality,
Certification and Enforcement

Enclosure