

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: August 6, 2009

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Compliance (Curry)
Office of the General Counsel (Brooks)

RE: Docket No. 080579-TI – Compliance investigation of Astrocom Corporation for apparent violation of Rule 25-24.470, F.A.C., Registration Required.

AGENDA: 08/18/09 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RCP\WP\080579.RCM.DOC

Case Background

In May 2008 staff received a customer complaint against Astrocom Corporation (Astrocom) regarding a prepaid calling card. After receiving the complaint, staff determined that Astrocom was not registered as an intrastate interexchange telecommunications company (IXC) and had not filed a tariff with the Commission. Staff contacted the company several times, via certified letters, facsimiles, and telephone calls, to resolve the matter; however, Astrocom failed to respond. As a result of Astrocom not responding to staff, this docket was opened.

On December 23, 2008, staff filed a recommendation to address the company's failure, as required by Rule 25-24.470, Florida Administrative Code (F.A.C.), to register as an IXC and file a tariff with the Commission prior to providing intrastate interexchange telecommunications services in Florida.

By Order No. PSC-09-0059-PAA-TI, issued January 27, 2009, the Commission imposed a penalty against Astrocom in the amount of \$25,000 for the company's apparent violation of Rule 25-24.470, F.A.C. On February 17, 2009, Astrocom protested the Order and submitted a proposed settlement offer. The protest and proposed settlement offer were submitted by the company's attorney on behalf of Astrocom. When staff contacted Astrocom's attorney to discuss the settlement offer and protest, staff was informed by the attorney that he no longer represented Astrocom. The attorney provided staff with contact information for the company and instructed staff to contact Astrocom directly to resolve the matter. Staff further notes that the settlement was very close to satisfying all of the issues in this docket.

Staff made several phone calls to the company and left several messages, but Astrocom did not return staff's calls. Staff also sent two certified letters to the company. Both letters were returned unclaimed.

The purpose of this recommendation is to obtain permission to issue a Consummating Order, making Order No. PSC-09-0059-PAA-TI, final and effective. The Commission is vested with jurisdiction over these matters pursuant to Sections 364.02, 364.04, and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

Discussion of Issues

Issue 1: Should the Commission issue a Consummating Order, making Order No. PSC-09-0059-PAA-TI, final and effective?

Recommendation: Yes, the Commission should issue a Consummating Order, making Order No. PSC-09-0059-PAA-TI, final and effective? **(Curry, Brooks)**

Staff Analysis: As stated in the case background, by Order No. PSC-09-0059-PAA-TI, issued January 27, 2009, the Commission imposed a penalty against Astrocom in the amount of \$25,000 for the company's apparent violation of Rule 25-24.470, F.A.C. On February 17, 2009, Astrocom submitted a proposed settlement offer. After receiving the company's settlement offer, staff made several attempts to contact the company. However, Astrocom failed to respond to staff. Therefore, staff recommends that the Commission issue a Consummating Order making Order No. PSC-09-0059-PAA-TI, final and effective.

Issue 2: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendation in Issue 1, a Consummating Order should be issued making Order No. PSC-09-0059-PAA-TI, final and effective. If payment of the \$25,000 penalty is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the penalty should be referred to the Department of Financial Services for collection. This docket shall be closed administratively upon receipt of the company's current contact information, tariff, and payment of the penalty, or upon the referral of the penalty to the Department of Financial Services. **(Brooks)**

Staff Analysis: Staff recommends that the Commission take action as set forth in the above staff recommendation.