

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 930182-TI  
proceedings against NATIONAL ) ORDER NO. PSC-93-0665-FOF-TI  
TELEPHONE COMMUNICATIONS, INC. ) ISSUED: 04/29/93  
for violations of Rule 25- )  
24.118, F.A.C., Interexchange )  
Carrier Selection; and Rule 25- )  
4.043, F.A.C., Response to )  
Commission Staff Inquiries. )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER TO REQUIRE NATIONAL TELEPHONE COMMUNICATIONS, INC.  
TO SHOW CAUSE WHY CERTIFICATE NO. 2684 SHOULD NOT BE  
CANCELLED OR IN THE ALTERNATIVE WHY IT SHOULD NOT BE FINED

National Telephone Communications, Inc. (National) has been a certificated interexchange carrier (IXC) since September 13, 1991. As a certificated IXC, National is subject to our jurisdiction pursuant to Chapter 364, Florida Statutes.

Between October 28, 1992 and January 4, 1992 eight consumer complaints were filed with this agency alleging that National had caused eight residential or business customers' long distance carriers to be changed without the customers' knowledge or authorization. This practice, sometimes known as "slamming", has long been of concern to us. Slamming is prohibited by Rule 25-4.118(1), Florida Administrative Code which provides "the primary interexchange carrier (PIC) of a customer shall not be changed without the customer's authorization." Based on a review of the information before us, we find it appropriate to require National to show cause why it should not be penalized. Section 364.285(1) provides our authority to cancel a certificate, impose a fine up to \$25,000 per violation or both.

In responding to staff communications regarding these consumer complaints, National failed to respond to fifteen telephone calls and twelve letters including three sent certified mail. Rule 25-4.043, Florida Administrative Code requires "the necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen days from the date of the

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Commission inquiry." Based on the information before us it appears that National repeatedly violated this Rule. Accordingly we find it appropriate to require National to show cause why it should not be fined or its certificate be cancelled or both for violations of Rule 25-4.043.

Finally in view of the number of complaints, we find it appropriate to require National to show cause why it should not be required to provide the local exchange company (LEC) with additional verification of consumers' PIC change as described in Rule 25-4.118(2)(c)-(d).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that National Telephone Communications, Inc. shall show cause in writing why it should not be fined or subject to cancellation of Certificate No. 2495 for violation of Rules 25-4.118(1) and 25-4.043, Florida Administrative Code as described in the body of this Order. It is further

ORDERED that National Telephone Communications, Inc. shall show cause why it should not be required to provide the Local Exchange Company additional confirmation via an independent unaffiliated firm or an information package prepaid returned signature postcard as provided in Rules 25-4.118(2) and 25.4.4118(2)(c), Florida Administrative Code for a test period of six months. It is further

ORDERED that any protest of this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that failure to timely respond to this Order shall be deemed an admission of the facts alleged, a default and shall result in cancellation of Certificate No. 2495. It is further

ORDERED that in the event National Telephone Communications, Inc. fails to file a timely response, this docket shall be closed upon cancellation of Certificate No. 2495.

ORDERED that this docket shall remain open pending resolution of the show cause process. It is further

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By ORDER of the Florida Public Service Commission, this 29th  
day of April, 1993.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 19, 1993.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

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If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.