

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of NORTH ) DOCKET NO. 930416-TC  
AMERICAN INTELECOM, INC. for ) ORDER NO. PSC-95-0016-PCO-TC  
incorrect billing of collect ) ISSUED: January 5, 1995  
calls from various prisons. )  
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ORDER MODIFYING PROCEDURAL SCHEDULE

By Order No. PSC-93-1083-FOF-TC, the Commission Ordered North American Telcom, Inc. (NAI) to refund overcharges imposed on calls made from certain correctional institutions in Florida and to show cause why NAI should not be fined for charging in excess of the rate cap established for confinement facilities. On August 16, 1993, NAI filed a response to the Order to Show Cause. Accordingly, the matter was set for hearing and by Order No. PSC-94-0092-PCO-TC, Order Establishing Procedure, the dates governing the key activities in the case were established. By Order No. PSC-94-0319-PCO-TC, the procedural schedule was continued to allow adequate time to consider an offer of settlement filed by NAI. By Order No. PSC-94-1206-FOF-TC, the Commission rejected NAI's settlement offer and ordered that the matter shall proceed to hearing. Accordingly, this matter is currently set for hearing.

The staff assigned to this case proposed a list of issues to Counsel for NAI on October 31, 1994. NAI suggested certain changes to the language of certain of the issues. These changes were incorporated by staff. The current case assignment and scheduling record (CASR) on file in this case provides for Direct and Rebuttal testimony 12/15/94 and 1/9/95, respectively. Staff filed its testimony on 12/15/94. NAI has not yet filed its Direct Testimony.

An Order finalizing both the testimonial filing schedule and the issues to be addressed was inadvertently not provided to the Prehearing Officer for issuance prior to the filing dates set forth on the CASR. In order to eliminate the possibility of any confusion over the filing of testimony on the issues to be addressed due to the lack of a direction from the Prehearing Officer, NAI is hereby allowed an extension of time to file its direct testimony and its rebuttal testimony as set forth below. The testimony shall be directed to the issues attached to the Order as Appendix "A". All discovery shall be complete by February 1, 1995. All other provisions of Order No. PSC-94-0092-PCO-TC shall remain in effect.

DOCUMENT NUMBER-DATE

00107 JAN-5 85

FPSC-RECORDS/REPORTING

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FPSC-RECORDS/REPORTING

Controlling Dates

The following dates have been established to govern the key activities of this case.

- |    |  |          |
|----|--|----------|
| 1) | Staff's direct testimony<br>and exhibits, if any | 12/15/94 |
| 2) | Utility's direct testimony<br>and exhibits       | 1/12/95  |
| 4) | Intervenors' direct testimony<br>and exhibits    | 1/12/95  |
| 4) | Rebuttal testimony<br>and exhibits               | 1/19/95  |
| 5) | Prehearing Statements                            | 1/23/95  |
| 6) | Prehearing Conference                            | 1/30/95  |
| 7) | Hearing  | 2/14/95  |
| 8) | Briefs<br>(2 weeks after transcript)             | 3/14/95  |

Based upon the foregoing, it is

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that the provisions of this Order Modifying the Procedural Schedule and Establishing issues shall govern this proceeding unless modified by the Commission. It is further

ORDERED that Order No. PSC-94-0092-PCO-TC are hereby affirmed in all other respects.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 5th day of January, 1995.

  
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SUSAN F. CLARK, Chairman and  
Prehearing Officer

( S E A L )

WEW

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

APPENDIX "A"

LIST OF ISSUES

- 1) Has NAI charged in excess of the rate cap established by Order No. 24101?
  - a) If so, what is the amount of the overcharges and how should it be refunded?
  - b) Does this constitute a violation of Rule 25-24.630(f), Florida Administrative Code, Rate and Billing Requirement?
  - c) Has NAI continued to charge in excess of the rate cap established in Order 24101 and continued to violate 25-24.630(f), after being notified by this Commission of these violations?
- 2) Is NAI in violation of Rule 25-24.515(9), Florida Administrative Code, Service Standards?
- 3) What penalty, if any, should be assessed against NAI?
  - a) Should the Commission revoke NAI's Certificate?
- 4) Does the Florida Public Service Commission have jurisdiction over the voice window of intrastate operator assisted calls?