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FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

JANUARY 23, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (ISLER) *Dji EM*
DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: DOCKET NO. 961480-TI - RAMCOM GROUP, INC. - INITIATION OF
SHOW CAUSE PROCEEDINGS FOR VIOLATIONS OF RULES 25-24.470,
FLORIDA ADMINISTRATIVE CODE, CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY REQUIRED, AND 25-4.043, FLORIDA
ADMINISTRATIVE CODE, RESPONSE TO COMMISSION STAFF
INQUIRIES.

AGENDA: FEBRUARY 4, 1997 - REGULAR AGENDA - SHOW CAUSE -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961480TI.RCM

CASE BACKGROUND

• Staff obtained a debit card identified as GlobalTel Debit Card. Ramcom Group, Inc., the company providing the debit card, is not certificated as an interexchange carrier in Florida.

• Staff wrote Ramcom a certified letter on July 10, 1996, for information about its operations in Florida and informed the company that an IXC certificate may be required for its operations. A written response was requested by July 25, 1996.

• A Ramcom representative called staff to discuss its operations. Based on the representative's description, staff advised that it appeared certification was required. An IXC certificate application was mailed to the company for completion.

• Staff wrote Ramcom another certified letter, explained the application had not been received, and requested that the

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application be returned by August 28, 1996. The letter was returned by the Post Office.

- Staff found a different address for Ramcom, mailed a certified letter, and requested a response by September 26, 1996. The Post Office notified staff that the letter was delivered to the new address. Ramcom, however, has failed to respond. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Pursuant to Chapter 364.285, Florida Statutes, should Ramcom Group, Inc. be ordered to show cause why a fine of up to \$25,000 per day should not be imposed each day it is determined to be in violation of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Rule 25-24.470, Florida Administrative Code, states:

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

In addition, Rule 25-24.480 (1)(a), Florida Administrative Code, incorporates Rule 25-4.043, Florida Administrative Code, and states that:

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 (15) days from the date of the Commission inquiry.

Communications staff obtained a debit card identified as GlobalTel Debit Card. Since it appeared the company may be providing long distance service through the use of debit cards, on July 10, 1996, staff mailed Ramcom Group, Inc. a certified letter and explained that there were two types of companies providing

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open pending resolution of the show cause process. Ramcom Group, Inc. must respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order. The company's response must contain specific allegations of facts and law. In the event the company is fined, the monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes.

STAFF ANALYSIS: If the Commission approves the staff recommendation on Issue 1, an order to show cause will be issued. Ramcom Group, Inc. must respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order. The company's response must contain specific allegations of facts and law. In the event the company is fined, the monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285 (1), Florida Statutes.