

Talbott : *WT*  
Vandiver: *JF*

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED

AUG 25 1997

MEMORANDUM

FPSC - Records/Reporting

AUGUST 28, 1997

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

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS, STRONG) *WJ*  
DIVISION OF LEGAL SERVICES (PENA) *WP* *INC*

RE: DOCKET NO. 970447-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4383 ISSUED TO FUTURE TELEPHONE COMMUNICATIONS, INC. D/B/A FTC LONG DISTANCE, INC. FOR VIOLATION OF RULE 25-24.480(2)(a)(b), FLORIDA ADMINISTRATIVE CODE, RECORDS AND REPORTS; RULES INCORPORATED, AND RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEE.

AGENDA: 09/09/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/970447.RCM

CASE BACKGROUND

- \* Future Telephone Communications, Inc. d/b/a FTC Long Distance, Inc. obtained Florida Public Service Commission Certificate Number 4383 on April 20, 1996.
- \* Since February 1997, mail sent to Future Telephone Communications, Inc. d/b/a FTC Long Distance, Inc. has been returned.
- \* Regulatory Assessment Fees along with statutory penalties and interest have not been submitted for the year 1996.
- \* Staff attempted unsuccessfully to reach Future Telephone Communications, Inc. d/b/a FTC Long Distance, Inc. by calling the number listed in the Master Commission Directory, but that number was disconnected.

DISCUSSION OF ISSUES

DOCUMENT NUMBER-DATE

08545 AUG 25 97

FPSC-RECORDS/REPORTING

Docket No. 970447-TI  
Date: August 28, 1997

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission impose a \$500 fine or cancel FUTURE TELEPHONE COMMUNICATIONS, INC. d/b/a FTC LONG DISTANCE, INC.'S (FTC) Interexchange Telecommunications Certificate No. 4383 for apparent violation of Rule 25-24.480 (2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate unless the fine and information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated, are received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the required information and fine are not received, the fine should be assessed and Certificate No. 4383 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection. (Williams)

**STAFF ANALYSIS:** Pursuant to Chapter 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of an interexchange telephone company (IXC) certificate. The rule provides, in pertinent part, for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Pursuant to Rules 25-24.480(2)(a) and (b), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission. It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information. Mail sent to FTC was returned to our Division of Records and Reporting. Numerous attempts to contact FTC by telephone have been unsuccessful because the telephone has been disconnected. In addition, the Secretary of State, Division of Corporations, lists FTC as inactive and revoked

Docket No. 970447-TI  
Date: August 28, 1997

TXI's authority to operate in Florida for failure to file its annual report.

Accordingly, staff recommends that the company's certificate be canceled or the Commission impose a \$500 fine, unless it pays the fine and provides staff with the information required by Rule 25-24.480(2)(a) and (b), Florida Administrative Code.

**ISSUE 2:** Should the Commission impose a \$500 fine or cancel FUTURE TELEPHONE COMMUNICATIONS, INC. d/b/a FTC LONG DISTANCE, INC.'S (FTC) Interexchange Telecommunications Certificate No. 4383 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees?

**RECOMMENDATION:** Yes. The Commission should impose a \$500 fine or cancel the company's certificate unless the fine and regulatory assessment fees, including statutory penalties and interest, required by Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, are received by the Commission within 5 business days after the conclusion of the 21 day protest period. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the required information and fine are not received, the fine should be assessed and certificate no. 4383 should be canceled. After reasonable collection efforts have been made, any uncollected fine should be referred to the Office of the Comptroller for collection. (Williams)

**STAFF ANALYSIS:** Based on information provided by the Bureau of Fiscal Services, FTC has not submitted the regulatory assessment fees for the year 1996, along with the statutory penalties and interest.

Accordingly, staff recommends that the company's certificate be canceled or the Commission impose a \$500 fine, unless it pays the fine and submits all delinquent regulatory assessment fees, along with the statutory penalties and interest pursuant to Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, within 5 business days after the conclusion of the 21 day protest period. Any fine collected should be forwarded to the Office of

Docket No. 970447-TI  
Date: August 28, 1997

the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**ISSUE 3:** Should the Commission order all certificated interexchange telecommunication companies to discontinue providing interexchange telecommunications service to FUTURE TELEPHONE COMMUNICATIONS, INC. d/b/a FTC LONG DISTANCE, INC. (FTC) pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, if Certificate Number 4383 is canceled?

**RECOMMENDATION:** Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to FTC if FTC's certificate is canceled at the conclusion of the protest period for failure to provide the information and pay the fines as required in Issue 1 and 2. The Order should state that any IXC providing service to FTC must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled. (Williams)

**STAFF ANALYSIS:** Rule 25-24.4701(3), Florida Administrative Code, states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

If FTC's certificate is canceled, any intrastate IXC service offered by FTC would be in violation of Rule 25-24.4701(3), Florida

Docket No. 970447-TI  
Date: August 28, 1997

Administrative Code. Since the Commission cannot readily identify which IXC provides service to FTC, the Commission should order all certificated IXCs to discontinue service to FTC if FTC fails to comply with the terms of the Commission's order resulting from these recommendations. The Order should state that any IXC providing service to FTC must contact the Commission at the conclusion of the protest period as set forth in the Order to determine whether the certificate has been canceled.

ISSUE 4: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final. Upon payment of the fines or cancellation of the certificate, this docket should be closed.  
(Pena)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1 and 2, then FTC will have 21 days from the issuance date of the order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and fees and receipt of the required information, or upon cancellation of the certificate.

**MEMORANDUM**

April 2, 1997



TO: Tommy Williams, Division of Communications  
FROM: Nonnye Grant, Division of Records and Reporting  
RE: Returned Mail

-----  
We have received returned mail from the United States Post Office on the following Company:

FTC LONG DISTANCE, INC. (FUTURE TELEPHONE COMMUNICATIONS, INC. d/b/a) - TI436

The Post Office returned the mail on the above Company stating the following reason(s):

- Addressee Unknown
- Attempted - Not Known
- Box Closed - No Order
- Forwarding Order Expired
- Insufficient Address
- Moved, Left No Forwarding Address
- No Forward Order on File
- No Mail Receptacle/Vacant
- No Such Person or Number
- No Such Office in State
- No Such Street
- Not at this Address
- Refused
- Return to Sender
- Unable to Forward
- Unable to Locate
- Unclaimed
- Undeliverable as Addressed
- Vacant
- Verification of Address furnished by Post Office

*phone disconnected  
4/9/97*

Please furnish us with a current address, both for mail and location. Should you not be able to get a current address, can staff initiate proceedings to have the Company's certificate canceled?

Copy of returned envelope attached for your information.

/nbg  
Attachment(s)

MISSION

ward  
9-0870

TALAMON  
FEB 27 97

0.72

1436

FTC Long Distance, Inc.  
1327 Empire Central, Suite 210  
Dallas TX 75247

(*Future Telephone Communication, Inc. etc.*)  
FTC

LONG327 752473364 IN 29 03/19/97  
RETURN TO SENDER  
NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

FTC

2140 (S...)