

Talbott : *nr*  
Vandiver: *AV*

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

MEMORANDUM

September 25, 1997

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FPSC - Records/Reporting

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

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB*  
DIVISION OF LEGAL SERVICES (BOWMAN) *KB* *NRB*

RE: DOCKET NO. 971176-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5156 ISSUED TO TEL-CENTRAL COMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE, RECORDS AND REPORTS; RULES INCORPORATED.

AGENDA: 10/07/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/971176TI.RCM

CASE BACKGROUND

- Tel-Central Communications, Inc. (Tel-Central) obtained Florida Public Service Commission Interexchange Telecommunications certificate number 5156 on June 21, 1997.
- On August 13, 1997, the Division of Records and Reporting mailed a certified letter to the address listed in the Master Commission Directory. The letter was returned by the U.S. Postal Service stamped "Moved, Left No Address" (Attachment A, Page 5).
- Staff has attempted unsuccessfully to contact Tel-Central by telephone. The telephone number has been disconnected. No new number can be located through directory Assistance or on the internet.

DOCUMENT NUMBER-DATE

09721 SEP 24 97

FPSC-RECORDS/REPORTING

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$500 fine or cancel Tel Central's Interexchange Telecommunications Certificate No. 5156 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should impose a \$500 fine or cancel the company's certificate if the fine and information required by Rule 24-24.480, Florida Administrative Code, are not 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, certificate number 5156 should be canceled. (Biegalski)

STAFF ANALYSIS: Pursuant to Section 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 for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Pursuant to Rule 25-24.480(2), 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. Mail sent to Tel-Central was returned to our Division of Records and Reporting. 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, nor has it requested cancellation of its certificate in compliance with Rule 25-24.474(2), Florida Administrative Code.

Therefore, staff recommends that the Commission assess a \$500 fine for failure to comply with Commission rules and cancel Tel-Central's certificate if the fine is not paid and the information received within the specified time.

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ISSUE 2: Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Tel-Central pursuant to Rule 25-24.4701(3), Florida Administrative Code, if certificate number 5156 is canceled?

RECOMMENDATION: Yes. Pursuant to Rule 25-24.4701(3), Florida Administrative Code, the Commission should order all certificated interexchange companies to discontinue providing interexchange telecommunications service to Tel-Central if Tel-Central's certificate is canceled at the conclusion of the protest period for failure to provide the required information, and failure to pay the fines as required in Issue 1. The Order should state that any IXC providing service to Tel-Central 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. (Biegalski)

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

(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 Tel-Central's certificate is canceled, any intrastate interexchange service offered by Tel-Central would be in violation of Rule 25-24.4701(3), Florida Administrative Code. Since the Commission cannot readily identify which IXC provides service to Tel-Central, the Commission should order all certificated IXCs to discontinue service to Tel-Central if Tel-Central 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 Tel-Central 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.

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ISSUE 3: 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 and receipt of the required information, or cancellation of the certificate, this docket should be closed. (Bowman)

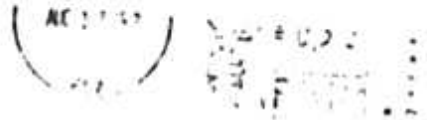
STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then Tel-Central will have 21 days from the issuance date of the Order to file a timely protest to the Commission's Proposed Agency Action. If no protest is filed, the docket should be closed upon payment of the fines and receipt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

ATTACHMENT A  
DOCKET NO. 971176-TI  
SEPTEMBER 25, 1997

RECEIVED

AUG 29 1997

FPSC - Records Reporting



*TI 639*

Tel-Central Communications, Inc.  
130 East High Street  
Jefferson City MO 65101

TEL-130 651011701 1797 07 08/19/97  
RETURN TO SENDER  
TEL-CENTRAL INC  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER