

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SEUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

SEP 23 PM 3:15

DATE: SEPTEMBER 24, 1998

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

FROM: DIVISION OF COMMUNICATIONS (ISLER) *JK*
DIVISION OF LEGAL SERVICES (MCKINNEY) *Jem MCB*

RE: DOCKET NO. 981058-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5673 ISSUED TO WORLDWIDE TELECOMMUNICATIONS & SERVICES, LTD. FOR VIOLATION OF RULE 25-24.400(2)(A) AND (B), F.A.C., RECORDS AND REPORTS; RULES INCORPORATED.

AGENDA: 10/06/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981058.RCM

CASE BACKGROUND

Worldwide Telecommunications & Services, Ltd., obtained Florida Public Service Commission Interexchange Telecommunications Certificate Number 5673 on July 14, 1998.

On July 17, 1998, staff mailed Worldwide's original tariff. The USPS returned the tariff to the Commission on July 29, 1998. Staff attempted to call the company at the telephone number listed in the Master Commission Directory but was unsuccessful. Accordingly, staff believes the following recommendations are appropriate.

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REC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$1,000 fine or cancel Worldwide Telecommunications & Services, Ltd.'s interexchange telecommunications certificate number 5673 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 \$1,000 fine or cancel the company's certificate if the fine is not received by the Commission within five 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 fine is not received, certificate number 5673 should be canceled. (Isler)

STAFF ANALYSIS: Rule 25-24.480(2)(a) and (b), Florida Administrative Code, provides that each company shall file the following information with the Divisions of Communications and Records and Reporting within 10 days after the changes occur: the street address of the certificate holder; and the name; title; and phone number of the individual responsible for contact with the Commission.

On July 17, 1998, staff mailed the original tariff to Worldwide. On July 29, 1998, the USPS returned the tariff stamped "Moved left no address", "Unable to forward", and "Return to sender." Staff called the telephone number listed in the Master Commission Directory. An answering machine answered which stated that "no one was available to come to the phone" and to leave a message. The recording did not identify a business name. Staff left a message, however, no one ever called back. Staff then called the fax number listed in MCD and received a recording which advised that the number had been disconnected. In addition, staff called Directory Assistance and was provided another telephone number. Staff called that number and received a recording which advised that the number had been disconnected.

It has been well over 10 days since staff's mail was returned by the Post Office and staff has not been informed of the provider's correct mailing address, phone number, or liaison

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information. Therefore, staff recommends that the Commission assess a \$1,000 fine for failure to comply with the Commission rules or cancel certificate number 5673 if the fine is not paid within five 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 fine is not received, certificate number 5673 should be canceled.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, 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 fine, or cancellation of the certificate, this docket should be closed. (McKinney)

STAFF ANALYSIS: If the Commission adopts staff's recommendation in Issue 1, then Worldwide Telecommunications & Services, Ltd. 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 fine or upon cancellation of the certificate.