

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Network Access Inc. for violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 980914-TI
ORDER NO. PSC-99-0120-FOF-TI
ISSUED: January 22, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER TERMINATING SHOW CAUSE PROCESS
AND CLOSING DOCKET

BY THE COMMISSION:

On May 29, 1998, our staff mailed a letter to Mr. Jorge A. Puente-Duany, Controller, Network Access, Inc., 1334 North State Road 7, Margate, Florida 33063-2843, asking that he explain certain charges to a telephone number. Our staff did not receive a response from Mr. Puente-Duany. Therefore, on July 23, 1998, our staff submitted a recommendation for our consideration recommending that we initiate a show cause proceeding against Network Access, Inc. for violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries.

On July 31, 1998, Mr. David O. Klein, Esquire, legal counsel for Network Access, Inc., asked that we defer consideration of this matter from our August 4, 1998, Agenda Conference. This request was granted.

On September 8, 1998, the Commission's Executive Director received a letter from Mr. Klein explaining that the dispute concerning telephone charges was the result of a billing error on behalf of Network Access, Inc.'s billing entity and that a full credit was in the process of being issued. (See Attachment A) Our staff has confirmed that the full credit has now been issued.

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We note that Network Access's response to our staff's inquiries was not timely in accordance with Rule 25-4.043, Florida Administrative Code. We are, however, satisfied with the company's response. Network Access has also been timely in its subsequent responses to our staff's inquiries regarding this matter. For these reasons, we shall not require Network Access to show cause why it should not be fined or have its Certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, and we shall close this Docket.

It is, therefore

ORDERED by the Florida Public Service Commission that show cause proceedings shall not be initiated against Network Access Inc. at this time. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of January, 1999.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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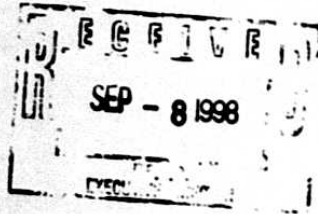
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September 4, 1998

VIA FEDERAL EXPRESS

Mr. William Talbott
Executive Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399



Re: Docket No. 980914-TI

Dear Mr. Talbott:

We represent Network Access Inc. in the above-referenced matter. Our discussions with principals of Network Access Inc. reveal that the dispute concerning telephone charges billed to telephone number (813) 677-5286 is the result of a service error on the part of our client's billing entity, Long Distance Billing Company ("LDBC").

Network Access Inc. is a telecommunications billing aggregator for international and domestic carriers and audiotext providers. Pursuant to a contractual arrangement between Network Access Inc. and one of its billing subagents, LDBC, Network Access Inc. forwards the billing records of its clients to LDBC, who formats the billings and then sends the records on to the Local Exchange Carrier ("LEC") in the applicable jurisdiction for submission to customers. LDBC then collects from the LEC and the money is forwarded on to Network Access Inc.

As you are well aware, Bell South controls approximately ninety percent (90%) of the State's calling areas. Because Network Access Inc. does not have a billing and collection agreement with Bell South, LDBC has been instructed not to bill all calls from the State and to do no billing in that jurisdiction on behalf of Network Access Inc.'s clients. However, Network Access Inc. does have billing and collection agreements with GTE and Centel who, together, service the remaining ten percent (10%) of the State of Florida.

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What we believe occurred here was that telephone number (813) 677-5286, a GTE account, inadvertently slipped through LDBC's blocking system and several international calls were billed to the customer. Unfortunately, this screening error was not discovered in time to avoid this billing mistake.

LDBC has been apprised of its screening error and has been admonished again to prevent any future billings for traffic originating from the State of Florida. On behalf of Network Access Inc., we apologize for the mistake and would like to take this opportunity to offer a full credit to the affected customer and to adopt a policy of issuing credits to Florida residents upon their request. I hope that this adequately addresses the concerns of the Commission and obviates the need to proceed with further proceedings on this matter.

Thank you for your prompt attention to this matter.

Respectfully submitted,



David O. Klein

cc: J. Alan Taylor, Chief

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