



Public Service Commission

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

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

RECEIVED PSC
DEC - 7 PM 12:37
RECORDS AND REPORTING

DATE: DECEMBER 7, 2000

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

FROM: DIVISION OF LEGAL SERVICES (D. CALDWELL) *D.C.*
DIVISION OF COMPETITIVE SERVICES (BUYS/TRUBELHORN) *BT*

RE: DOCKET NO. 001317-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST RJM CARD SERVICES, INC. FOR APPARENT VIOLATION OF RULES 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRIES, 25-24.915, F.A.C., TARIFFS AND PRICE LISTS, 25-24.920, F.A.C., STANDARDS FOR PREPAID CALLING SERVICES AND CONSUMER DISCLOSURE, 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES, AND 25-24.480(2)(A) AND (B), F.A.C., RECORDS & REPORTS; RULES INCORPORATED.

AGENDA: 12/19/2000 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001317.RCM

CASE BACKGROUND

- May 26, 1999 - RJM Card Services, Inc. (RJM) was granted Certificate number 6096 to provide interexchange telecommunications services within the State of Florida.
- May 26, 2000 - Staff sent a letter to RJM inquiring about Regulatory Assessment Fees (RAF) for the period 01/01/1999-12/31/1999, which were due on January 30, 2000.

DOCUMENT NUMBER-DATE

~~XXXXXXXXXX~~ DEC-7 8

FPSC-RECORDS/REPORTING

DOCKET NO. 001317-TI
DATE: December 7, 2000

- May 31, 2000 - Staff obtained a prepaid calling card titled "Talk Talk" with RJM Card Services listed as the prepaid calling card service (PPCS) provider.
- June 13, 2000 - Staff conducted a test of RJM's "Talk Talk" prepaid calling card (Attachment A, Page 17), and determined that the value of the card was reduced by an amount greater than what was printed on the card and listed in RJM's tariff (Attachment B, Page 18).
- June 22, 2000 - The letter inquiring about RAF staff sent to RJM on May 26, 2000, was returned by United States Postal Service.
- September 5, 2000 - Staff opened Docket No. 001317-TI to cancel certificate no. 6096 issued to RJM for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
- September 11, 2000 - Staff mailed a certified letter (Attachment C, Pages 19-23) to RJM informing the company that the prepaid calling card and PPCS are apparently in violation of Florida Public Service Commission (FPSC) rules. Staff requested that RJM submit a written response to the FPSC by September 26, 2000.
- September 13, 2000 - RJM personnel received the certified letter and signed the green card (Attachment D, Page 24).
- September 14, 2000 - Staff received a call from Jason Sherman, President of RJM, in response to the letter.
- September 27, 2000 - Staff initiated a call to RJM to inquire about the company's response. Staff faxed a copy of the certified letter dated September 11, 2000 to RJM for review (Attachment E, Pages 25 & 26).
- September 27, 2000 - Staff changed the title of Docket No. 001317-TI to include reporting requirements and violation of Rule 25-24.480(2)(a) and (b), F.A.C., Records and Reports; Rules Incorporated.
- September 28, 2000 - Staff received a call from Mr. De La Peña, who informed staff that he was now handling the issues in question and requested an extension until October 16, 2000, to review the letter and respond to staff's inquiry.

DOCKET NO. 001317-TI
DATE: December 7, 2000

- October 16, 2000 - Staff received a call from Mr. De La Peña. He informed staff that he is in the process of closing the company and winding down business operations. Staff requested that Mr. De La Peña submit his response and RJM's position in writing to commission staff.
- October 19, 2000 - Staff contacted Mr. De La Peña to discuss options to resolve the issues listed in Docket No. 001317-TI. Staff mailed RJM a "follow up" letter outlining the options RJM has to resolve the delinquent RAF and Failure to Report violations. A response was due by November 3, 2000.
- November 16, 2000 - Staff called RJM to inquire about the response to the PPCS violations.
- November 17, 2000 - Staff escalated Docket No. 001317-TI to a show cause for apparent violations of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, Rule 25-24.920, F.A.C., Standards for Prepaid Calling Card Services and Consumer Disclosure, and Rule 25-24.915, F.A.C., Tariffs and Price Lists.

The FPSC is vested with jurisdiction over these matters pursuant to Sections 364.18, 364.183, 364.19, 364.27, and 364.336, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DOCKET NO. 001317-TI
DATE: December 7, 2000

SUMMARY OF ISSUES

ISSUE NO.	VIOLATION	RECOMMENDATION
Issue 1	Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries	Fine \$10,000 or Cancel Certificate.
Issue 2	Rule 25-24.920, F.A.C., Standards for Prepaid Calling Services and Consumer Disclosure	Fine \$6,000
Issue 3	Rule 25-24.915, F.A.C., Tariffs and Price Lists	Fine \$5,000
Issue 4	Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies	Fine \$500
Issue 5	Rule 25-24.480(2)(A) and (B), F.A.C., Records & Reports; Rules Incorporated	Fine \$500

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order RJM Card Services, Inc. to show cause why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. Staff recommends that Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 6096 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6096 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(BUYS)**

STAFF ANALYSIS: Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, states:

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.

On September 11, 2000, staff mailed a letter to RJM informing the company that the printed statements on a prepaid calling card labeled "Talk Talk" are not in compliance with FPSC rules, and the fact that a timing and accuracy test conducted by staff showed that the PPCS provided by RJM is apparently in violation of FPSC rules. A written response was due by September 26, 2000. On September 13, 2000, RJM personnel signed for and received the certified letter. On September 14, 2000, staff received a telephone call from Jason Sherman, President of RJM. During the conversation, Mr. Sherman indicated he would respond to the inquiry and address the issues outlined in the letter, including updating the company's tariff. However, Mr. Sherman failed to respond as he had indicated to commission staff's inquiry.

On September 27, 2000, staff called RJM to inquire about Mr. Sherman's response. Staff was informed that Mr. Sherman has left RJM and that Ricardo Olloqui is now in charge of RJM. Staff then faxed a copy of the certified letter sent to RJM on September 11, 2000, (to RJM) for review. On September 28, 2000, staff received a call from Mr. De La Peña. He informed staff that he was now representing Mr. Olloqui and would be responding to the inquiry. He also requested an extension of the required response date to October 16, 2000, so he could review the letter and respond to staff's inquiry. On October 16, 2000, staff received a call from Mr. De La Peña. He informed staff that he was in the process of winding down the business operations of RJM. Staff requested that Mr. De La Peña submit a written response to the PPCS rules violations, and explain RJM's position.

On November 16, 2000, staff called RJM to inquire about the response to staff's original inquiry. Mr. De La Peña informed staff that he has been fired by Jason Sherman and can no longer represent RJM. He said he does not have the authority to answer any questions regarding RJM.

Based on the foregoing, staff believes that it has given RJM ample time to respond to its inquiries, and that the corporate officers of RJM have given staff contradictory information during the aforementioned telephone conversations in an attempt to avoid responding to staff's inquiries. Therefore, staff believes the apparent violation of Commission Rule 25-4.043, Florida Administrative Code, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 for GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as RJM's conduct at issue here, would meet the standard for a "willful violation."

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a

DOCKET NO. 001317-TI
DATE: December 7, 2000

common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

Therefore, since it appears that RJM refuses to respond to staff's inquiries, staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$10,000 or have certificate number 6096 canceled for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period and the fine is not paid within ten business days after the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived and certificate number 6096 should be canceled. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 2: Should the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure?

RECOMMENDATION: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for

collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(BUYS)**

STAFF ANALYSIS: Staff acquired a prepaid calling card in Florida labeled "TALK TALK" to evaluate the PPCS based on the information provided on the card and listed in RJM's tariff. RJM Card Services is listed as the telecommunications service provider. Upon visual inspection, staff determined that RJM was in apparent violation of the following sections of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure:

1. Rule 25-24.920(2)(b), Florida Administrative Code, states:

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visible in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

- (a) Maximum charge per minute for PPCS;
- (b) Applicable surcharges; and
- (c) Expiration policy, if applicable.

The prepaid card does not list applicable surcharges. The statement on the card: "A connection fee applies to all calls," does not provide the consumer with the amount of the connection fee. This does not allow the consumer to make an informed decision prior to purchase in violation of Rule 25-24.920(2)(b), Florida Administrative Code.

2. Rule 25-24.920(5), Florida Administrative Code, states:

(5) The rates displayed in accord with paragraph (2) above shall be no more than those reflected in the tariff or price list for PPCS.

The printing on the card states, "Monthly service fee not to exceed 99¢ applies after first use." This fee is not listed in RJM's tariff and subsequently should not be charged or printed on the card. The 99¢ monthly service fee is an applicable surcharge that would increase the rate to an amount more than those reflected in RJM's tariff. The 99¢ monthly service fee violates Rule 25-24.920(5), Florida Administrative Code.

3. Rule 25-24.920(6), Florida Administrative Code, states in part:

(6) A company shall not reduce the value of a card by more than the charges printed on the card, packaging, or visible display at the point of sale.

The printing on the card states that, "Prices are subject to change without notice". This statement implies that the rates RJM ultimately charges may not be the rates printed on the card. Pursuant to FPSC rules, a PPCS provider can charge no more than the rates and prices listed on the card at the time of purchase. While a PPCS provider is allowed to recharge the prepaid phone card at a higher rate, subject to tariff limitations, it may not charge higher rates prior to the initial expiration (whether by charges or time limit) of the card.

On June 13, 2000, staff conducted test calls using the "TALK TALK" card to determine if the calls made were charged according to the rates printed on the card and listed in the tariff. The test revealed that the value of the card was in fact reduced by more than what the printing on the card and the tariff indicated.

The test involved making a total of twelve interlata calls. The twelve calls were divided into five groups having different durations of 58, 59, 60, 61, and 62 seconds. Each call was timed, and the remaining balance of time in the account was recorded. Calls were made until the account balance was exhausted.

On the first call, the initial account balance was 10 hours, 15 minutes. This is inconsistent with the expected balance based on the purchase price of the card (\$10) and the rate (3¢ per minute). Ten dollars should buy 333.33 minutes, or 5 hours and 33 minutes ($\$10.00 \div \$0.03/\text{min.} = 333.33 \text{ min.}$). The results of the test are summarized in the table below:

Call #	Call Duration	Account Balance	Minutes Deducted Per Call
1	58 seconds	10 hrs., 15 min.	53
2	58 seconds	9 hrs., 22 min.	53
3	58 seconds	8 hrs., 29 min.	52
4	58 seconds	7 hrs., 37 min.	53
5	59 seconds	6 hrs., 44 min.	53
6	59 seconds	5 hrs., 51 min.	53
7	59 seconds	4 hrs., 59 min.	52
8	60 seconds	4 hrs., 6 min.	53
9	60 seconds	3 hrs., 13 min.	53
10	61 seconds	2 hrs., 19 min.	54
11	61 seconds	1 hr., 27 min.	52
12	62 seconds	33 minutes	54
13		0 minutes	

According to RJM's tariff, time is billed in one-minute increments, and a 49¢ connection charge is applied to each call. The 49¢ connection charge equates to 16.33 minutes (49¢ ÷ 3¢/minute). Therefore, the correct number of minutes that should be deducted for a one minute call is 18 (17 minutes for the connection charge plus 1 minute for the actual duration of the call), not 53 minutes. Based on the results of the test, it is apparent that the prices have likely changed without notice, or other surcharges have been applied that are not listed on the card or in RJM's tariff.

Furthermore, the test revealed that RJM did not provide the customer with the full value of PPCS as indicated by the price description on the card. For example, staff made twelve calls with the card and determined that the total value of the \$10 card equated to only \$6.39 (\$5.88 + \$0.21 + \$0.30 = \$6.39):

- 12 calls @ 49¢ connection charge = \$5.88
- 7 calls @ 1 minute (3¢ per minute) = 21¢
- 5 calls @ 2 minutes (3¢ per minute) = 30¢

Hence, RJM is reducing the value of the card by more than the charges printed on the card, a violation of Rule 25-24.920(6), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure.

Based on the foregoing, it appears that RJM is providing PPCS in Florida without meeting Florida's service standards or consumer disclosure requirements, to the detriment of the consumers. Staff believes that RJM's provision of PPCS without regard to service standards and consumer disclosure requirements constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Therefore, staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$2,000 per violation, for a total of \$6,000, for apparent violations of Rule 25-24.920, Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for

DOCKET NO. 001317-TI
DATE: December 7, 2000

collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 3: Should the Commission order RJM to show cause why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists?

RECOMMENDATION: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(BUYS)**

STAFF ANALYSIS: Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists, states, in pertinent part, that each company shall include in its tariff or price list the maximum amount a caller will be charged per minute for PPCS, and applicable surcharges. In RJM's tariff, original sheet 16, section 4.5, Prepaid Calling Card Services, the only rates listed are a per minute rate of \$.10, and a connection charge \$.49. The 99¢ monthly service charge printed on the "Talk Talk" prepaid calling card is not listed in RJM's tariff. RJM has not included this applicable surcharge in its tariff, an apparent violation of Rule 25-24.915, Florida Administrative Code.

Moreover, during staff's telephone conversation with Jason Sherman on September 14, 2000, Mr. Sherman informed staff that the reason the timing test indicated that the "Talk Talk" card had a lower value than would be expected, was there were other charges associated with the prepaid calling card that were not listed in

DOCKET NO. 001317-TI
DATE: December 7, 2000

RJM's tariff. Mr. Sherman was aware that RJM's tariff needed to be updated and requested information on how to revise the tariff. Staff subsequently attempted to call Mr. Sherman to provide him with the requested information, but was unable to contact him again.

Based on the foregoing, staff believes that RJM's failure to update its tariff constitutes a willful violation of a lawful rule of the FPSC under the same legal analysis as set forth in Issue 1.

Therefore, staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$5,000 for apparent violation of Rule 25-24.915, Florida Administrative Code, Tariffs and Price Lists. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 4: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 Regulatory Assessment Fee, including statutory penalty and

interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(BUYS)**

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, requires the payment of a RAF by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

The Division of Administration's records show that RJM has not paid its 1999 RAF, plus statutory penalty and interest charges. Therefore, it appears the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies and has not requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

Accordingly, staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine and the 1999 Regulatory Assessment Fee, including statutory penalty and interest charges, should be deemed assessed. If the fine and the 1999 RAF, including statutory penalty and interest charges, are not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

DOCKET NO. 001317-TI
DATE: December 7, 2000

ISSUE 5: Should the Commission order RJM to show cause why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated?

RECOMMENDATION: Yes. Staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. **(BUYS)**

STAFF ANALYSIS: Pursuant to Rules 25-24.480(2)(a) and (b), Florida Administrative Code, Records & Reports; Rules Incorporated, each company is allowed ten days after a change occurs to file updated information with the Division of Telecommunications and the Division of Records and Reports 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.

On May 26, 2000, staff mailed a notice to RJM regarding the delinquent RAF. The letter was returned due to the expiration of the mail forwarding order. On September 25, 26, and 27, 2000, staff attempted to contact RJM using the telephone number listed in the Master Commission Directory (305-358-7788). On all three attempts, the call resulted in a busy signal. Apparently, RJM's mailing and liaison information on file with the commission has not been updated. Subsequently, staff amended the title of docket no. 001317-TI to include a violation of Rule 25-24.480(2)(a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated.

In addition, other staff were concurrently investigating RJM for PPCS rule violations and contacted RJM via telephone on September 27, 2000, using the customer service number listed on the back of the "TALK TALK" card. During that call, staff was informed

of a change in RJM's address, phone number, and liaison information. Staff faxed RJM a mailing and liaison information sheet and instructions to send an updated copy to the Division of Records and Reporting. As of November 22, 2000, RJM has not updated its mailing and liaison information in accordance with Rules 25-24.480(2)(a) and (b), Florida Administrative Code. It has been more than ten days and this information still has not been updated. Staff believes that the failure of RJM to update its mailing and liaison information constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Based on the foregoing, staff recommends that the Commission order RJM to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$500 for apparent violation of Rule 25-24.480, Florida Administrative Code, Records & Reports; Rules Incorporated. The company's response should contain specific allegations of fact and law. If RJM fails to respond to the show cause order or request a hearing pursuant to Section 120.57, Florida Statutes, within the 21-day response period, the facts should be deemed admitted, the right to a hearing should be deemed waived, and the fine should be deemed assessed. If the fine is not paid within ten business days after the 21-day response period, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it should be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

ISSUE 6: Should this docket be closed?

RECOMMENDATION: No. If staff's recommendation in Issue 1 is approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If RJM fails to respond to the show cause order or pay the fine within ten business days after the expiration of the 21-day response period, certificate number 6096 should be canceled and this docket may be closed administratively.

DOCKET NO. 001317-TI
DATE: December 7, 2000

If any of staff's recommendations in Issues 2, 3, 4 and 5 are approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the company fails to respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within ten business days after the expiration of the 21-day show cause response period, then the fines should be deemed assessed for the violations cited and forwarded to the Comptroller's Office for collection. This docket may then be closed administratively if Issue 1 is closed. **(Caldwell)**

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If RJM fails to respond to the show cause order or pay the fine within ten business days after the expiration of the 21-day response period, certificate number 6096 should be canceled and this docket may be closed administratively.

If any of staff's recommendations in Issues 2, 3, 4 and 5 are approved, RJM will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If RJM timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If the company fails to respond to the show cause order, and the fines and fees, including statutory penalties and interest, are not received within ten business days after the expiration of the 21-day show cause response period, then the fines should be deemed assessed for the violations cited and forwarded to the Comptroller's Office for collection. This docket may then be closed administratively if Issue 1 is closed.

COMPANY RJM CARA SERVICES LOCATION TALLAHASSEE DATE 6/13/00
 BILLING # 850/480-2286 CARRIER _____ SERVICE TALK TALK P/C
1.325/357 6900/*0/
 CALLING CARD # 300 178 9964/1 872 EVALUATOR ME VERIFIED BY _____

INTRALATA INTERLATA BILLING PER TARIFF? YES NO

ARONTS Call Record	PSC TIME SEC	IXC BILL MIN	TARIFF RANGE MIN	IXC RANGE MIN	TIMING ACCURACY			BILLING ACCURACY					
					COR	UND	OVR	AMT	COR	UND	OVR		
START 6/13 @ 1257 HRS #1- CALL FAILED													
# 2- FAILED AUTHORIZATION CODE INVALID													
STOPPED @ 1259 CORRECTED AUTHORIZATION #													
6/13 @ 1300 HRS # 3- (58 SEC CALL) \$10.00 / 10 HRS 15 MIN													
# 4- (58 SEC CALL) 9 HRS 22 MIN													
# 5- (58 SEC CALL) 8 HRS 29 MIN													
# 6- (58 SEC CALL) 7 HRS 37 MIN													
# 7- FAILED *													
# 8- (59 SEC CALL) 6 HRS 44 MIN													
# 9- (59 SEC CALL) 5 HRS 57 MIN													
# 10- (59 SEC CALL) 4 HRS 59 MIN													
# 11- FAILED *													
# 12- FAILED *													
# 13- FAILED *													
# 14- (60 SEC CALL) 4 HRS 6 MIN													
# 15- (60 SEC CALL) 3 HRS 13 MIN													
# 16- FAILED *													
# 17- (61 SEC CALL) 2 HRS 19 MIN													
# 18- FAILED *													
CALLER W/STAFFR SVC # 1- 6/13 @ 0820 HRS													
BBB- 710- 2623													
" NUM SVC NO LONGER IN SVC "													
@ 0820 HRS													
# 19- (61 SEC CALL) 1 HR 27 MIN													
# 20- (62 SEC CALL) 33 MIN													
# 21- FAILED *													
# 22- FAILED *													
# 23- END @ 1325 HRS NO MINUTES													

Q:\FORMS\123\B&T.WK4

* ARONTS DON'T DIAL AUTHORIZATION CODE.

DOCKET NO. 001317-11
DATE: December 7, 2000

RJM CARD SERVICES, INC.

Florida Tariff No. 1.
Original Sheet No. 16

SECTION 4 - RATES

4.1 RJM Long Distance Service

Rate per minute - \$N/A
Plan is billed in full minute increments.

4.2 RJM 800/888 (Inbound) Long Distance Service

Rate per minute - \$N/A
Plan is billed in six second increments with a six second minimum

4.3 Bogus Calling Card Service

Rate per minute - \$N/A.
Plan is billed in full minute increments.

4.4 Operator Services (For prescribed customers)

4.4.1 Usage Rates: The appropriated rate found under 4.1 or 4.3 shall apply.

4.4.2 Operator Charges:

Collect Station-to-Station	\$N/A
Collect Person-to-Person	\$N/A
Person-to-Person	\$N/A
Station-to-Station	\$N/A
Customer Dialed Calling Card	\$N/A
Operator Dialed Calling Card	\$N/A
Operator Dialed Surcharge	\$N/A

4.5 Pre-paid Calling Card Services

Rate per minute	\$.10
Connection Charge	\$.49

ISSUED: January 26, 1999

Effective:

RJM CARD SERVICES, INC.
444 Brickell Avenue, Suite 250
Miami, FL 33131

MAY 26 1999

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

September 11, 2000

CERTIFIED

Mr. Jason Sherman, President
RJM Card Services, Inc.
444 Brickell Avenue, Suite 210
Miami, FL 33131-2404

Re: Rules Violations

Dear Mr. Sherman:

The Florida Public Service Commission Staff is in receipt of a pre-paid calling card, number 300 178 9964, that has RJM Card Services listed as the service provider. The card and Prepaid Calling Services (PPCS) are in violation of the following rules:

- 25-24.920(2)(b), (5), and (6), Florida Administrative Code, Standards for Prepaid Calling Services and Consumer Disclosure.
- 25-24.925(1)(a), Florida Administrative Code, Refunds.
- 25-24.930(3), Florida Administrative Code, Adequacy of Service.

First, the card does not list applicable surcharges so that a consumer can make an informed decision. The statement, "A connection fee applies to all calls." does not provide the consumer with the amount of the connection fee. Rule 25-24.920(2), Florida Administrative Code, states:

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visible in a prominent area at the point of sale of the PPCS in such a manner that the consumer can make an informed decision prior to the purchase:

- (a) Maximum charge per minute for PPCS;
- (b) Applicable surcharges; and
- (c) Expiration policy, if applicable.

Mr. Jason Sherman, President
Page 2
September 11, 2000

Second, the card states, "Monthly service fee not to exceed 99¢ applies after first use." This fee is not listed in the tariff and subsequently can not be charged unless such fee is added to the tariff. Rule 25-24.920(5), Florida Administrative Code, states:

(5) The rates displayed in accord with paragraph (2) above shall be no more than those reflected in the tariff or price list for PPCS.

Third, the card also states that "Prices are subject to change without notice." The PPCS provider can only charge the rates and prices listed on the card at the time of purchase. Rule 25-24.920(6), Florida Administrative Code, states in part:

(6) A company shall not reduce the value of a card by more than the charges printed on the card, packaging, or visible display at the point of sale. The service may, however, be recharged by the consumer at a rate higher than the rate at initial purchase or last recharge.

Fourth, the card states that "There are no refunds on used cards." A PPCS service provider is required to offer refunds for cards that are rendered unusable for reasons beyond the consumer's control. Rule 25-24.925(1)(a), Florida Administrative Code, states in part:

(1) Each company shall have a refund policy that meets the following minimum requirements:

(a) For PPCS that are rendered unusable for reasons beyond the consumer's control, and have not exceeded the expiration period, each company shall provide a refund equal to the value remaining in the account.

In addition, on June 13, 2000, staff conducted test calls to determine if the calls made are charged according to the rates printed on the card and/or in the point of sale display material. The test indicated that the value of the card was reduced by a greater amount than it should have been.

The test involved making a total of twelve interlata calls. The twelve calls were divided into five groups having different durations of 58, 59, 60, 61, and 62 seconds. Each call was timed, and the remaining balance of time in the account was recorded. Calls were made until the account balance was exhausted.

Mr. Jason Sherman, President
Page 3
September 11, 2000

On the first call, the initial account balance was 10 hours , 15 minutes. This is inconsistent with the expected balance based on the purchase price of the card (\$10) and the rate (3¢ per minute). Ten dollars should buy 333.33 minutes, or 5 hours and 33 minutes ($\$10.00 \div \$0.03/\text{min.} = 333.33 \text{ min.}$). The results of the test are summarized in the table below:

call #	call duration	account balance	minutes deducted
1	58 seconds	10 hrs., 15 min.	53
2	58 seconds	9 hrs., 22 min.	53
3	58 seconds	8 hrs., 29 min.	52
4	58 seconds	7 hrs., 37 min.	53
5	59 seconds	6 hrs., 44 min.	53
6	59 seconds	5 hrs., 51 min.	53
7	59 seconds	4 hrs., 59 min.	52
8	60 seconds	4 hrs., 6 min.	53
9	60 seconds	3 hrs., 13 min.	53
10	61 seconds	2 hrs., 19 min.	54
11	61 seconds	1 hr., 27 min.	52
12	62 seconds	33 minutes	54
13		0 minutes	

Based on the results of the test, it is apparent that the lengths of the calls were not accurately recorded and deducted from the card balance. Rule 25-24.930(3), Florida Administrative Code, states:

(3) Each company shall ensure that a minimum of 97 percent (allowing for a one-second variation) timing accuracy of conversation time shall be achieved.

According to RJM Card Services tariff, time is billed in one- minute increments, and a 49¢ connection charge is applied to each call. The 49¢ connection charge equates to 16.33 minutes ($49¢ \div 3¢$). Therefore, the correct number of minutes that should be deducted is 18 (17 minutes for the connection charge plus 1 minute for the actual duration of the call), not 53 minutes. Furthermore, the value of the calls made with the \$10 card totaled \$6.39 ($\$5.88 + \$0.21 + \$0.30 = \6.39):

- 12 calls @ 49¢ connection charge = \$5.88
- 7 calls @ 1 minute = 21¢
- 5 calls @ 2 minutes = 30¢

DOCKET NO. 001317-TI
DATE: December 7, 2000

(Attachment C)

Mr. Jason Sherman, President
Page 4
September 11, 2000

The conclusion staff has derived from the test is that the consumer did not receive the full value of PPCS that they purchased. Hence, RJM Card Services is reducing the value of the card by more than the charges printed on the card, a violation of Rule 25-24.920(6), Florida Administrative Code.

Please investigate all of the above issues and initiate the necessary corrective actions to comply with Commission Rules. Please send a written response detailing the actions taken to correct the problems to me by September 26, 2000. Should you have any questions, please call me at 850-413-6536.

Sincerely,



Dale R. Buys
Regulatory Analyst
Bureau of Service Quality

Enclosure:
Copy of PPCS card

DOCKET NO. 001317-TI
DATE: December 7, 2000

\$10

TALK TALK

**OUT OF TIME?
SE TERMINO EL TIEMPO?
DIAL / MARQUE
1-877-545-TALK**

Access Numbers

- Dade County 305-357-6900
- Dade County 305-702-0810
- Broward County 954-343-2280
- Boca Raton 561-953-0800
- West Palm Beach 561-909-1200
- Vero Beach 561-907-0126
- Port St. Lucie 561-905-0096
- Indian Town 561-933-0002
- Key Largo 305-735-1300
- Big Pine-Key West 305-647-1400

English Instructions

1. Dial access number above
2. When prompted, enter your card number

Instrucciones En Español

1. Marque número de acceso
2. Cuando se le indique, ingrese su número de tarjeta.

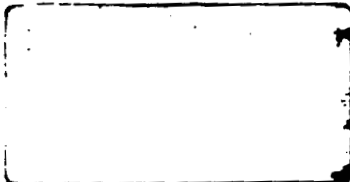
3. For Domestic calls, dial 1 + area code + number. For International calls, dial 011 + Country Code + City Code + Number.
3. Para llamadas Domésticas marque 1 + código de área + número. Para llamadas internacionales marque 011 + código del país + código de ciudad + número.

The card expires 3 months after first use. Monthly service fee not to exceed \$10. Service after first use. A maximum fee applies to all calls. Please use the priority or number provided for more information. Fees are subject to change without notice. There are no refunds on used cards. FCC compliance always apply. Federal & state laws may apply.

Los tarjetas expire a los 3 meses de su primer uso. Cargo mensual no excederá los \$10. Servicio del primer uso. Cargo de prioridad se aplica a todas las llamadas. Por favor use el número para más información. Las tarifas están sujetas a cambios sin previo aviso. No hay reembolsos. Siempre se aplican las regulaciones FCC y las leyes estatales y federales.

Customer Service/Service al cliente: 1-888-710-2622
Services Provided By: LMB Card Services

2810-0429485



\$10

TALK TALK

**PHONE CARD
TARJETA TELEFONICA**

■ SAVE MONEY ON EVERY CALL
■ DOMESTIC AND INTERNATIONAL

**3¢ USA
PER MIN.**

TALK TALK

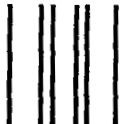
**\$10
3¢ USA
PER MIN.**

**PHONE CARD
TARJETA TELEFONICA**

(Out of time? Out of money? Call 1-877-545-TALK)

DOCKET NO. 001317-TI
 DATE: December 7, 2000

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Dale R. Buys
 Bureau of Service Quality
 FLORIDA PUBLIC SERVICE COMMISSION
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jason Sherman, President
 RJM Card Services, Inc.
 444 Brickell Avenue, Suite 210
 Miami, FL 33131-2404



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) MAINBERGER B. Date of Delivery 9-13-00
 C. Signature [Signature]
 Agent
 Addressee
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Express Mail
 Return Receipt for Merchandise
 .O.D.
 Fee) Yes

2. Article Number (Copy from service label)

7000 0000 0026 4142 9656

DOCKET NO. 001317-TI
DATE: December 7, 2000

TRANSMISSION VERIFICATION REPORT

(Attachment E)

TIME : 09/27/2000 12:37
NAME :
FAX :
TEL :

DATE, TIME	09/27 12:31
FAX NO./NAME	613053570138
DURATION	00:05:30
PAGE(S)	08
RESULT	OK
MODE	STANDARD ECM

STATE OF FLORIDA

DOCKET NO. 001317-TI
DATE: December 7, 2000



PUBLIC SERVICE COMMISSION

2540 Shumard Oak Boulevard
CAPITAL CIRCLE OFFICE CENTER
TALLAHASSEE, FLORIDA 32399-0850

FACSIMILE TRANSMITTAL COVER SHEET

DATE: September 27, 2000 TIME SUBMITTED: 11:45 a.m.

TO: Ricardo Olloqui TITLE: _____

OFFICE/BUSINESS: RJM Card Services, Inc.

TELEPHONE NO: (305)358-9880 FAX NO: (305)357-0138

FROM: Dale R. Buys

OFFICE/DIVISION: Division of Competitive Services / Bureau of Service Quality

TELEPHONE NO: (850)413-6536 FAX NO: (850)413-6537

COMMENTS: Included is a copy of the certified letter sent to Mr. Jason Sherman on September 13, 2000. Please read and respond accordingly. In addition, Please make corrections to the Mailing and Liason Information sheet and send it to the Division of Records and Reporting, attn. Nonnye Grant. If you have any questions, call me at (850) 413-6536.

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 8

RULES OF FLORIDA PUBLIC SERVICE COMMISSION (Attachment F)

25-4.043 **Response to Commission Staff Inquiries.** 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.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.183, F.S.

History: New 12/1/68, formerly 25-4.43.

25-24.920 **Standards For Prepaid Calling Services and Consumer Disclosure.**

(1) The following information shall be legibly printed on the card:

(a) The Florida certificated name, or "doing business as" name as provided for by Rule 25-24.910, clearly identified as the provider of the PPCS;

(b) Toll-free customer service number;

(c) Toll-free network access number; and

(d) Authorization code, if required to access service.

(2) Each company shall provide the following information legibly printed either on the card, packaging, or display visibly in a prominent area at the point of sale of the PPCS in such a manner that the consumer may make an informed decision prior to purchase:

(a) Maximum charge per minute for PPCS;

(b) Applicable surcharges; and

(c) Expiration policy, if applicable.

The company must insure by contract with its retailers or distributors that the information is provided to the consumer.

(3) Each company shall provide through its customer service number the following information:

(a) Certificate number;

(b) Rates and surcharges;

(c) Balance of use in account; and

(d) Expiration date or period, if any.

(4) Each company shall provide a live operator to answer incoming calls 24 hours a day, 7 days a week or shall electronically voice record end user complaints. A combination of live operators or recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of the recording.

(5) The rates displayed in accord with paragraph (2) above shall be no more than those reflected in the tariff or price list for PPCS.

(6) A company shall not reduce the value of a card by more than the charges printed on the card, packaging, or visible display at the point of sale. The service may, however, be recharged by the consumer at a rate higher than the rate at

RULES OF FLORIDA PUBLIC SERVICE COMMISSION (Attachment F)

initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff or price list and the consumer shall be informed of the higher charges at the time of recharge.

(7) The billing increment shall not exceed one minute.

(8) Each company shall only charge for conversation time plus applicable surcharges.

(9) Conversation time of less than a full minute shall not be rounded up beyond the next full minute.

(10) Cards without a specific expiration period printed on the card, and with a balance of service remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged, from the date of the last recharge.

(11) If PPCS are sold without a card or printed material, tariffed charges and surcharges shall be disclosed at the point of sale.

(12) All cards sold by the company after July 1, 1998, must comply with this rule.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.03, 364.19 F.S.

History: New 03/26/98.

25-24.930 Adequacy of Service.

Each company shall ensure that:

(1) A minimum of 95 percent of all call attempts shall be completed to the called party. Station busies will be counted as completed calls.

(2) A minimum of 95 percent of all call attempts shall be completed to a company's toll-free customer service number. Station busies will not be counted as completed calls.

(3) A minimum of 97 percent (allowing for a one-second variation) timing accuracy of conversation time shall be achieved.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.19, F.S.

History: New 03/26/98.

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S., and s. 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers.

RULES OF FLORIDA PUBLIC SERVICE COMMISSION (Attachment F)

Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunication companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

(3) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are post marked by the United States Postal Service or received and logged in by the Commission's Division of Administration in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/CMU 25 (11/99), entitled "Local Exchange Company Regulatory Assessment Fee Return,"; Form PSC/CMU 26 (11/99), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (11/99), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (11/99), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (11/99), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (11/99), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

(a) Remit the total amount of its fee or
(b) Remit an amount which the company estimates is its full fee.

(6) Where the company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day

RULES OF FLORIDA PUBLIC SERVICE COMMISSION (Attachment F)

from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by subsection (8)(b) of this rule.

(7) A company may request from the Division of Administration a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of Administration at least two weeks before the due date.

(c) Where a telecommunications company receives an extension of its due date pursuant to this rule, the telecommunications company shall remit a charge in addition to the regulatory assessment fees, as set out in s. 350.113(5), F.S.

(d) The return forms may be obtained from the Commission's Division of Administration. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(8) The delinquency of any amount due to the Commission from the telecommunications company pursuant to the provisions of s. 350.113, F.S., and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

(a) A penalty, as set out in s. 350.113, F.S., shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.113, 364.336, F.S.

History: New 5/18/83, formerly 25-4.161, Amended 10/16/86, 01/01/91, 12/29/91, 01/08/95, 12/26/95, 07/08/96, 11/11/99.

25-24.480 Records & Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to interexchange companies. In these rules, the word "local" should be omitted or interpreted as "toll", as they shall apply only to interexchange and not local service.

PORTIONS NOT

<u>SECTION</u>	<u>TITLE</u>	<u>APPLICABLE</u>
25-4.019	Records and Reports in General	None
25-4.020	Location and Preservation of	Subsections(1),
(3)	Records	
25-4.023	Report of Interruptions	Subsection (1)
25-4.043	Inquiries	None
25-4.0161	Regulatory Assessment Fees	None
25-4.079	Hearing/Speech Impaired Persons	Subsections

RULES OF FLORIDA PUBLIC SERVICE COMMISSION (Attachment F)

(1), (2), (3),
and (5)

25-4.115 Directory Assistance Subsections (1), (2)

(2) Each company shall file updated information for the following items with the Division of Telecommunications and the Division of Records and Reporting within 10 days after such changes occur.

(a) The address of the certificate holder's main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code.

(b) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regards to the ongoing Florida operations of the certificated company.
Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.115, 350.117, 364.17, 364.18, 364.185, 364.337 FS.

History--New 2-23-87, Amended 4-5-88, 7-11-88, 6-3-90, 10-25-90, 11-20-91, 12-29-91, 12-22-92, 12-27-94, 3-13-96, 10-1-96.