

ORIGINAL

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 1/16/2007

Docket No.: 070050-71

1. Division Name/Staff Name: Cmp/Curry

2. OPR: CMP

3. OCR:

4. Suggested Docket Title: Compliance investigation of NETECOM, Inc. for its apparent violation of Rules 25-4.118 and 25-24.470, F. A. C.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
- B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

NETECOM, Inc.

Mr. Nima Alizadeh

16200 Ventura Blvd, Suite 300

Encino, CA 91436

2. Interested persons and their representatives (if any):

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

DOCUMENT NUMBER - DATE

00392 JAN 16 5

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

December 11, 2006

CERTIFIED Mail

7004 1160 0004 5749 7210

Attn: Mr. Nima Alizadeh
NETECOM, Inc.
16200 Ventura Blvd, Suite 300
Encino, CA 91436

Dear Mr. Alizadeh:

The purpose of this letter is to provide NETECOM, Inc. (NETECOM) another opportunity to respond to the enclosed letter dated October 26, 2006. The letter was sent by staff regarding a complaint filed by Mr. Kevin Shamlou against NETECOM for an unauthorized switch of his long distance service. The deadline for you to respond to the letter was November 15, 2006. To date, our records indicate that NETECOM has not responded. At this time, staff requests that you investigate this complaint, contact the customer, and provide a written response to this complaint. The response should verify that Mr. Shamlou was contacted and that his complaint has been resolved. You may fax your response to Mr. Shamlou's complaint to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us. Also, please provide a copy of the LOA or TPV where Mr. Shamlou authorized NETECOM to provide service.

In addition, staff has determined that NETECOM has not filed a tariff or provided the Commission with the company's current contact information. Rule 25-24.470(1), Registration Required, Florida Administrative Code, states:

No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company's current contact information with the Division of the Commission Clerk and Administrative Services.

CERTIFIED Mail
Page 2
December 11, 2006

After you have completed the enclosed IXC Registration form, you may submit it along with the company's tariff to the following address:

Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Please understand that if NETECOM fails to provide the Commission with all of the requested information that it may be subject to a penalty as prescribe by Section 364.285. F.S., which states:

The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which 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 this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

Therefore, to avoid potential penalties please submit all of the requested information by **December 29, 2006**. If you have any questions, you may contact me at 850-413-6662.

Sincerely,



Kiwanis L. Curry
Certification and Enforcement Section

Enclosure

TMS# 2308

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

October 26, 2006

CERTIFIED MAIL

7004 1160 0004 5749 7142

Attn: Mr. Nima Alizadeh
NETECOM, Inc.
16200 Ventura Blvd, Suite 300
Encino, CA 91436

Dear: Mr. Alizadeh:

The Florida Public Service Commission (Commission) recently received the enclosed customer complaint against NETECOM, Inc. (NETECOM) regarding improper billing for long distance services. The complaint was filed by Mr. Kevin Shamlou. Mr. Shamlou stated in his complaint that NETECOM switched his long distance service without proper authorization. According to Rule 25-4.118(1), Florida Administrative Code, Local, Local Toll, or Toll Provider Selection: "The provider of a customer shall not be changed without the customer's authorization." In addition, Rule 25-4.118(8), Florida Administrative Code, Local, Local Toll, or Toll Provider Selection, states in part:

Charges for unauthorized provider changes and all 1+ charges billed on behalf of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. After the first 30 days up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false....

At this time, staff requests that you investigate this complaint, contact the customer, and provide a written response to this complaint. The response should verify that Mr. Shamlou was contacted and that his complaint has been resolved. You may fax your response to Mr. Shamlou's complaint to me at (850) 413-6663, or you may respond by email to kcurry@psc.state.fl.us. Also, please provide a copy of the LOA or TPV where Mr. Shamlou authorized NETECOM to provide service.

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

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

NETECOM, Inc.

Page 2

October 26, 2006

In addition, staff has determined that NETECOM has not filed a tariff or provided the Commission with the company's current contact information. Rule 25-24.470(1), Registration Required, Florida Administrative Code, states:

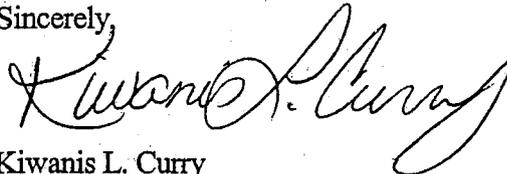
No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company's current contact information with the Division of the Commission Clerk and Administrative Services.

After you have completed the enclosed IXC Registration form, you may submit it along with the company's tariff to the following address:

Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Please submit all of the requested information no later than **November 15, 2006**. If you have any questions, you may contact me at 850-413-6662.

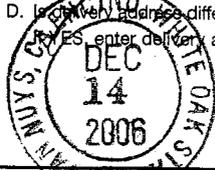
Sincerely,



Kiwanis L. Curry
Certification and Enforcement Section

Enclosure

TMS #2289

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  NETECOM, Inc. Attn: Mr. Nima Alizadeh 16200 Ventura Blvd., Suite 300 Encino, CA 91436	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) <u>7004 1160 0004 5749 7210</u>		
PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	B. Date of Delivery
	B. Received by (Printed Name)	
1. Article Addressed to: NETECOM, Inc. Attn: Mr. Nima Alizadeh 16200 Ventura Blvd., Suite 300 Encino, CA 91436	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) <u>7004 1160 0004 5749 7142</u>		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		