

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show ) DOCKET NO. 910673-TI  
cause proceedings against ) ORDER NO. PSC-92-0210-FOF-TI  
UNICOM GROUP, INC. for ) ISSUED: 4/15/92  
violation of Rule 25-24.470, )  
F.A.C. certificate of public )  
convenience and necessity )  
required )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER RESOLVING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

By Order No. 24972, issued August 26, 1991, the Commission ordered Unicom Group, Inc. (Unicom or the Company) to show cause why a fine should not be assessed against it for failure to comply with Rule 25-24.270, Florida Administrative Code. That Rule requires that a certificate of public convenience and necessity be obtained before providing intrastate interexchange telephone service. On September 5, 1991, Unicom filed a response to Order No. 24972. In its response, the Company asserted that it functioned solely as a marketing entity representing several different telecommunications companies, and not as an interexchange carrier.

On January 6, 1992, our staff contacted the Company to update the information it had obtained earlier. At that time, Mr. Ken Mellick, the new President of the Company, discussed changes that had taken place within Unicom. Additionally, on January 17, 1992, interrogatories were sent to Unicom. The responses indicate that Unicom is functioning solely as a marketing agent for International Telecommunications Exchange Corporation (INTEX). All service agreements and brochures that Unicom distributes are in the name of INTEX. The customers sign an agreement only with INTEX. Unicom collects no deposits or other monies from customers.

At this time, we believe that Unicom is acting only as a marketing agent and is not operating as an IXC. Since the Company

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is not operating as an IXC, it does not require a certificate. The Company is aware of its obligation to obtain a certificate if it intends to perform any activities other than acting as an agent for INTEX. We believe that Unicom has made a genuine effort to bring its operations into accord with Commission requirements. Therefore, we find that no further action is warranted at this time. However, we caution the Company that even though it is not certificated, any future violation of statutes or rules could result in further action being taken.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that no further action against UNICOM GROUP, INC. is necessary at this time. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 15th day of April, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

PAK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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

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hearing or judicial review will be granted or result in the relief sought.

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 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 or sewer 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.