

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida, by and through Jack Shreve, Public Counsel, against LCI International Telecom Corp. for slamming David Howe in violation of Rule 25-4.118, F.A.C.

DOCKET NO. 971403-TI

In re: Initiation of show cause proceedings against LCI International Telecom Corp. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

DOCKET NO. 971487-TI  
ORDER NO. PSC-98-0069-PCO-TI  
ISSUED: January 12, 1998

ORDER GRANTING MOTION FOR CONSOLIDATION

On October 22, 1997, Attorney General Bob Butterworth, on behalf of the Citizens of Florida through the Public Counsel, filed a Complaint alleging that LCI International Telecom, Corp., (LCI) through its employees or agents, changed the primary interexchange carrier of Mr. David Howe without his authorization or consent.

On December 3, 1997, LCI filed a Motion to Consolidate this Complaint with Docket No. 971403-TI. In its Motion to Consolidate, LCI asserted that the Commission has opened Docket 971487-TI, a show cause proceeding that will encompass all slamming complaints filed against LCI with the Commission during 1997. As such, the Complaint in Docket No. 971403-TI would be resolved by Docket No. 971487-TI. Both the Attorney General and the Public Counsel agree that Dockets Nos. 971403-TI and 971487-TI should be consolidated.

After reviewing the Complaint and LCI's motion, I find that it is appropriate, pursuant to Rule 25-22.035(2), Florida Administrative Code, to consolidate this docket with Docket No. 971487-TI, Initiation of show cause proceedings against LCI International Telecom Corp., for violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection. The

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issues in Dockets Nos. 971403-TI and 971487-TI are substantially similar. Therefore, this Docket will be closed upon the issuance of this Order. Discovery in this Docket may continue under Docket No. 971487-TI.

Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that LCI International Telecom, Corp.'s Motion to Consolidate is granted. It is further

ORDERED that Docket No. 971403-TI shall be closed.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 12th day of January, 1998.

  
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JOE GARCIA  
Commissioner and Prehearing Officer

( 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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.