

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of NORTH) DOCKET NO. 930416-TC
AMERICAN INTELECOM, INC. for) ORDER NO. PSC-95-0015-PCO-TC
incorrect billing of collect) ISSUED: January 5, 1995
calls from various prisons.)
_____)

ORDER DENYING MOTION FOR STAY OF SCHEDULE

On December 15, 1994, North American Intelcom, Inc. (NAI) filed a motion with the Commission which requests an indefinite stay of the proceedings in this docket. In its Motion, NAI expresses its intent to seek settlement of this matter and states that proceeding with the hearing on an adversary basis is inconsistent with attempting to settle this dispute. NAI further expresses its intent to file a motion to remove this proceeding to the Division of Administrative Hearings (DOAH), stating that one of the grounds for removal is that the procedures the Commission uses in handling Show Cause Actions is under review at the Supreme Court of Florida. NAI concludes by asking that the proceeding be stayed at the Commission pending response to NAI's forthcoming settlement offer and response to NAI's forth coming motion to remove the matter to DOAH.

By Order No. PSC-94-1206-FOF-TL, this Commission rejected an offer of settlement by NAI. That settlement offer was made on the eve of hearing and this case was delayed to allow consideration of the pending offer. NAI again seeks a delay on the basis of an "intent" to file an offer of settlement. Since that Order was issued Counsel for NAI and Commission Staff have discussed settlement of this matter and little progress has been made.

Furthermore, it appears that overcharges by NAI have continued through the end of 1994. Therefore, in light of the fact that the Commission has no settlement offer currently before it to consider, and that future issues regarding continuing violations of Commission rules and Orders remain unresolved, it is appropriate to proceed to hearing.

ORDERED that North American Intelcom, Inc.'s motion for stay of schedule is hereby denied.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Chairman Susan F. Clark, as Prehearing Officer,
this 5th day of January, 1995.



SUSAN F. CLARK, Chairman and
Prehearing Officer

(S E A L)

WEW

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 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 25-22.038(2), 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.