

FLORIDA PUBLIC SERVICE COMMISSION  
Capitol Circle Office Center - 2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

RECEIVED

MEMORANDUM

NOVEMBER 20, 1997

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10.15

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF COMMUNICATIONS [WILLIAMS] *TEW*  
DIVISION OF LEGAL SERVICES [PENA] *AK*  
*AK*

RE: DOCKET NO. 970147-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4414 ISSUED TO QAI, INC. d/b/a LONG DISTANCE BILLING FOR VIOLATION OF RULE 25-24.480(2)(a) AND (b), F.A.C., RECORDS AND REPORTS; RULES INCORPORATED

AGENDA: 12/02/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/970147TI.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request filed by staff to cancel QAI, Inc. d/b/a Long Distance Billing's (QAI) certificate of public convenience and necessity, authorizing the provision of interexchange telecommunication service in Florida. Mail from this Commission had been returned as undeliverable by the Post Office indicating that QAI had violated Rule 25-24.480 (2)(a), Florida Administrative Code, which requires the reporting of an address change within ten (10) days of its effectiveness. Staff had also attempted to reach the contact person by telephone, but was unsuccessful. Based on this evidence, staff recommended the cancellation of the certificate unless QAI paid a \$250 fine and provided the Commission with the required information. The Commission approved the recommendation, and Order PSC-97-0288-FOF-TI was issued on March 14, 1997 (pages 4-8). No correspondence was received from QAI by the close of business on April 4, 1997, and QAI's certificate was cancelled effective, April 5, 1997.

DOCUMENT CONTROL

11910 NOV 20 97

FILED

Docket No. 970147-TI  
Date: November 6, 1997

On October 7, 1997, staff received a request from The Rebensdorf Group, Inc. (page 9) requesting that the Commission approve a stock acquisition agreement and plan of merger of QAI and another telecommunications company. After informing The Rebensdorf Group, Inc. that QAI's certificate was cancelled, staff was contacted by QAI's legal counsel, Mr. Steven C. Clay. Mr. Clay informed staff that QAI had informed the Commission of QAI's new address on January 6, 1997, when an inquiry was made by our Division of Consumer Affairs (page 10-11).

This correspondence between the Division of Consumer Affairs and QAI also reflects mail being returned by the post office. However, the Division of Consumer Affairs was able to reach a contact person who advised of QAI's new address and the inquiry was completed. Because of this correspondence, the company thought it had given the Commission its new address and was in compliance. However, it did not satisfy the requirements as stated in Rule 25-24.480 (2)(a), Florida Administrative Code, which requires the reporting to the Division of Records and Reporting of an address change within ten (10) days of its effectiveness.

Because of the circumstances involved, staff can understand that QAI thought it was in compliance with Rule 25-24.480 (2)(a), Florida Administrative Code. Therefore, staff is recommending that QAI's Interexchange Telecommunications Certificate No. 4414 be reinstated and that QAI be required to pay the fine of \$250 assessed by Order No. PSC-97-0288-FOF-TI to the Florida Public Service Commission to be forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Chapter 364.285 (1), Florida Statutes.

#### STAFF DISCUSSION

**ISSUE 1:** Should QAI, INC. d/b/a LONG DISTANCE BILLING'S (QAI) Interexchange Telecommunication Certificate No. 4414 be reinstated?

**RECOMMENDATION:** Yes. QAI's Interexchange Telecommunications Certificate No. 4414 should be reinstated upon payment of the fine of \$250 as ordered in Order No. PSC-97-0288-FOF-TI.

Docket No. 970147-TI  
Date: November 6, 1997

**STAFF ANALYSIS:** Technically, QAI has not been in compliance with Rule 25-24.480 (2) (a), Florida Administrative Code, because it did not communicate its change of address to the Division of Records and Reporting. Since January, 1997, however, when the Division of Consumer Affairs was able to reach a contact person at QAI, the company thought it had given the Commission its new address and was in compliance. Also, QAI has continued to fulfill its obligation to pay applicable regulatory assessment fees. For these reasons staff believes that QAI's Certificate No. 4414 should be reinstated. Staff also believes that QAI should be required to pay the \$250 fine imposed in Order No. PSC-97-0288-FOF-TI.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the fine of \$250 is paid as ordered in PSC-97-0288-FOF-TI and if no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order, this docket should be closed.

**STAFF ANALYSIS:** This docket should be closed, if the fine of \$250 is paid as ordered in PSC-97-0288-FOF-TI and if no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida )  
Public Service Commission of )  
Interexchange Telecommunications )  
)  
AMERITEL 800, INC. ) DOCKET NO. 970143-TI  
CERTIFICATE NO. 3973 )  
INTERGRATED COMMUNICATIONS CORP. ) DOCKET NO. 970144-TI  
CERTIFICATE NO. 3180 )  
LIBERTY BELL CORPORATION ) DOCKET NO. 970146-TI  
CERTIFICATE NO. 3586 )  
INTERCONTINENTAL COMMUNICATIONS ) DOCKET NO. 970145-TI  
CORP. )  
CERTIFICATE NO. 3958 )  
QAI, INC. d/b/a LONG DISTANCE ) DOCKET NO. 970147-TI  
BILLING )  
CERTIFICATE NO. 4414 )  
MTC TELEMAGEMENT CORPORATION ) DOCKET NO. 970148-TI  
CERTIFICATE NO. 4023 )  
)  
) ORDER NO. PSC-97-0288-FOF-TI  
) ISSUED: March 14, 1997

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The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
SUSAN F. CLARK  
J. TERRY DEASON  
JOE GARCIA  
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELLING CERTIFICATE  
FOR FAILURE TO COMPLY WITH AGENCY RULES

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceedings pursuant to Rule 25-22.029, Florida Administrative Code.

These dockets were initiated pursuant to requests filed by the Commission Staff to cancel the respective entities' certificates of public convenience and necessity, authorizing the provision of pay telephone service. Each of the respective entities listed in the caption of this Order has been approved to hold a certificate issued by the Commission. However, either the certificate, the

regulatory assessment fee billing, or both have been returned as undeliverable by the Post Office.

The return of these materials indicated that each entity may have violated Rule 25-24.520(1)(a), Florida Administrative Code, which requires the reporting to us of an address change within ten (10) days of its effectiveness. Accordingly, Commission Staff attempted to reach the contact person of each of these entities by telephone. These efforts were unsuccessful, furnishing evidence that each entity may have also violated Rule 25-24.520(1)(b), Florida Administrative Code, which requires the reporting to the Commission of a change in the name, title or telephone number of the individual responsible for Commission contacts.

Based on this evidence of violations of the Commission's Rules by each of these entities, Commission Staff has recommended the cancellation of these certificates, pursuant to Rule 25-24.514(1)(b), Florida Administrative Code. It is of paramount importance that PATS certificate holders remain diligent in furnishing the current information necessary to make contact with their representatives. Therefore, the Commission approves its Staff's request to cancel the certificate of public convenience and necessity to provide pay telephone service of:

Name	Certificate No.
AmeriTel 800, Inc.	3973
Intergrated Communications Corp.	3180
Liberty Bell Corporation	3586
Intercontinental Communications Corp.	3958
Qai, Inc. d/b/a Long Distance Billing	4414
MTC Telemanagement Corporation	4023

and the same are hereby cancelled unless the entity pays a \$250 fine and provides the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within thirty days after this Order becomes final. The fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. Each entity with a certificate in its possession is hereby directed to return it forthwith to the Commission.

ORDER NO. PSC-97-0288-FOF-TI  
DOCKETS NOS. 970143-TI, 970144-TI, 970145-TI, 970146-TI, 970147-TI,  
970148-TI  
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The cancellation of these certificates and the closing of these dockets in no way diminishes the above entities' obligations to pay applicable delinquent regulatory assessment fees.

The dockets listed in this Order will be closed following expiration of the period specified in this Order unless an appropriate petition for hearing protesting a specific docket is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided by Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code. A petition protesting the action proposed here with regard to a specific docket filed by one whose substantial interests are affected will not prevent our proposed action from becoming final as to any other docket listed in this Order.

It is, therefore,

ORDERED that the certificates listed in this Order are cancelled unless the entity pays a \$250 fine and provides the Commission with the information required by Rule 25-24.520(1)(a) and (b), Florida Administrative Code, Reporting Requirements, within thirty days after the order becomes final. It is further

ORDERED that the fine is to be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Chapter 364.285(1), Florida Statutes. It is further

ORDERED that each entity with a certificate in its possession shall return it forthwith to the Commission. It is further

ORDERED by the Florida Public Service Commission that this Order shall become final unless an appropriate petition is filed during the period specified below. It is further

ORDERED that a petition protesting our action ordered above with regard to a specific docket, filed by one whose substantial interests are affected, shall not prevent such action from becoming final as to the other dockets listed in the Order. It is further

ORDERED that these dockets shall be closed if no protest is filed in accordance with the requirements set forth below.

ORDER NO. PSC-97-0288-FCF-TI  
DOCKETS NOS. 970143-TI, 970144-TI, 970145-TI, 970146-TI, 970147-TI,  
970148-TI  
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By ORDER of the Florida Public Service Commission, this 14th  
day of March, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: /s/ Kay Flynn  
Chief, Bureau of Records

This is a facsimile copy. A  
signed copy of the order may be  
obtained by calling 1-904-413-  
6770.

( S E A L )

MES

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

ORDER NO. PSC-97-0288-FOF-TI  
DOCKETS NOS. 970143-TI, 970144-TI, 970145-TI, 970146-TI, 970147-TI,  
970148-TI  
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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 4, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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.



# THE REBENSORF GROUP, INC.

• Management Consulting • Investment Banking • Regulatory Compliance •

City Center Bellevue  
500 - 108th Avenue NE, Suite 800  
Bellevue, Washington 98004

Phone: (425) 646-7337  
Fax: (425) 646-7342

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September 30, 1997

Florida Public Service Commission  
Director of the Division of Communications  
2540 Sumnard Oak Blvd.  
Tallahassee, FL 32399-0866

Dear Sir or Madam:

The undersigned counsel represents QAI, Inc. ("QAI") with respect to the regulatory matters describes herein. QAI received authority from the Commission to operate as a reseller of long distance and other intrastate telecommunications services on 4/15/96, in docket number 951545-T1 Pursuant to its current tariff, QAI offers various telecommunications services to commercial and residential end-users within the state.

This letter is written to notify the Commission that on September 23, 1997 QAI entered into a Stock Acquisition Agreement and Plan of Merger with Pathfinder Communications, LLC ("Pathfinder"), whereby Pathfinder will acquire all of the capital stock of QAI. After the merger, QAI will be a wholly owned subsidiary of Pathfinder. The transaction will close upon, *inter alia*, receipt of all necessary regulatory approvals.

After the merger, QAI, as a wholly owned subsidiary, shall continue to manage and service its long distance operations in the same manner as prior to the merger. The services provided to end-users as described in its currently filed tariffs shall not be disturbed by this transaction. QAI will maintain its tariffs as prescribed in the Rules of the Commission and laws of the State.

An original and 5 copies of this letter are enclosed. Please date-stamp the endorsed extra copy of this filing and return it in the self-addressed, stamped envelope provided.

Should you have any questions regarding this matter please contact me at your convenience.

Respectfully Submitted,

  
George Rebensdorf, Esq.

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Steven C. Clay  
Attorney at Law  
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310 Fourth Avenue South  
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sclay@lawx.com

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October 8, 1997

**VIA FEDERAL EXPRESS**

Mr. Tom Williams  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**RE: QAI, Inc.; Order No. PSC-97-0288-FOF-TI**

Dear Mr. Williams:

Enclosed please find a consumer request from Mr. Richard Durbin of the Florida Public Service Commission to QAI, Inc. ("QAI"). This document indicates that Florida Public Service Commission Staff did have knowledge of QAI's address change prior to the issuance of the March 14, 1997 order revoking QAI's certificate. As I discussed with you, the company moved approximately one block from its former location, and retained its previous telephone and facsimile numbers. The company also continues to maintain the same registered agent and registered office in Florida as listed in the company's application for certification. For purposes of clarification, the company's complete address and telephone number are as follows:

386 North Wabasha, Suite 1550  
St. Paul, MN 55102  
(612) 222-1501  
(612) 222-1102

I apologize on behalf of the company for any miscommunication that may have occurred regarding the company's address change. I hope that we can come to a resolution regarding this situation. Please call me to discuss this matter at your earliest convenience. Thank you.

Sincerely,

Steven C. Clay  
Attorney for QAI, Inc.

cc: QAI, Inc.  
Mr. George Rebensdorf

Name ARNOLD, KIM

Company LONG DISTANCE BILLING (OAI, INC. D/

Request No. 1523201

Address 4172 CREEK BLUFF DRIVE

Attn. STEVEN C. CLAY 152320

By JRD Time 8:07 AM Date 12/18/96

Consumer's Telephone # (904)-797-3472

To CO Time MAIL Date 12/19/96

City/Zip ST. AUGUSTINE 32086 County STJ

Can Be Reached \_\_\_\_\_

Type S Form Phone

Account Number \_\_\_\_\_

Note \_\_\_\_\_

Category \_\_\_\_\_

Company Contact \_\_\_\_\_

Limited Reponse N

Infraction \_\_\_\_\_

Closed by \_\_\_\_\_ Date / /

Reply Received \_\_\_\_\_

Customer says she received a telephone solicitation call last night around 8:00 PM from a representative who would not give her name and only grudgingly revealed the name of your company. Please provide a copy of your telemarketing script.

1/6/97 inquiry returned by post office. Forwarding order had expired. Called Steven Clay/LDB who advised that the new address is 386 Wabasha, Suite 1550, St. Paul, MN 56102. Sent inquiry to this address.

## CONSUMER REQUEST

### FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

Richard Durbin

DUE: 01/08/97