

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960853-TI
proceedings against Colorado) ORDER NO. PSC-96-1156-FOF-TI
River Communications Corp. for) ISSUED: September 17, 1996
violation of Rule 25-24.480(1),)
F.A.C., Response Requirement.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Colorado River Communications Corp. (CRC) is a provider of interexchange telecommunications service and was certificated on July 8, 1994. From July 8, 1994, through July 12, 1996, we received six complaints against CRC. In all six cases, the consumers advised us that their long distance carrier had been switched without their authorization. In only one case did CRC respond within the 15 days allowed by our rules. Twice, the company did not respond at all, and in three instances, we received CRC's report well after the required 15 days, between 2 and 85 days late.

Rule 25-24.480 (1), Florida Administrative Code, governing interexchange telecommunications services, incorporates Rule 25-4.043, Florida Administrative Code, which states:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

DOCUMENT NUMBER-DATE

09881 SEP 17 96

FPSC-RECORDS/REPORTING

Table 1 below outlines the dates of the slamming complaints, the date a response was due, and the date the report was actually received.

Complainant Complaint #	Date Provided to Company	Date Report Due	Date Report Received	# of Days Late
Milobar 71238P	06/15/95	06/30/95	06/22/95	0
Malone 75209P	07/10/95	07/25/95	10/18/95	85
Brannon 77547P	07/21/95	08/05/95	08/07/95	2
Walker 80351P	08/01/95	08/16/95	08/21/95	5
Circle 85409P	08/31/95	09/15/95		342 ¹
Towe 85626P	09/05/95	09/20/95		337 ¹

1 Includes up to August 22, 1996

In June, 1996, our staff initiated an investigation into CRC's lack of responsiveness to Commission inquiries. In one case of no response from the company, the Circle Redmont, Inc. complaint, the complaint was sent to CRC by fax on August 31, 1995, with a report due by September 15, 1995. The complaint form was refaxed to the company two more times, the company was contacted by telephone, and a certified letter was sent. CRC failed to respond to any of these requests for a response.

On June 18, 1996, a call was placed to CRC and a message was left for the call to be returned. Later on the same day, another call was made and, again, a message was left. The company's liaison, Elaine Villanueva, returned the call about 30 minutes later. The company was informed that we had not received a report on the complaint. We informed the company that they would have one more chance to respond to our inquiries before show cause proceedings were initiated. Ms. Villanueva asked that the

ORDER NO. PSC-96-1156-FOF-TI
DOCKET NO. 960853-TI
PAGE 3

complaint be refaxed to her and promised that she would have someone respond within a few days. The complaint was refaxed the same day.

On July 1, 1996, we again contacted the company because a report still had not been received. Mr. Dennis Bay, Executive Vice President, returned the call and apologized for the delay in responding to the complaint. To date, no report has been received from CRC.

Based on the company's lack of responsiveness to our inquiries, we order CRC to show cause why a fine of up to \$25,000 should not be imposed, certificate No. 3565 should not be cancelled, or both in accordance with Section 364.285, Florida Statutes, for violations of Rule 25-24.480, Florida Administrative Code. CRC's response must contain specific allegations of fact and law and be filed by the date specified in the "Notice of Further Proceedings or Judicial Review" section of this Order. If CRC fails to respond, such failure shall be deemed an admission of all facts contained in this Order and a waiver of its right to a hearing.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Colorado River Communications Corp. is ordered to show cause why it should not be fined or have its certificate cancelled for Rule violations as described in the body of this Order. It is further

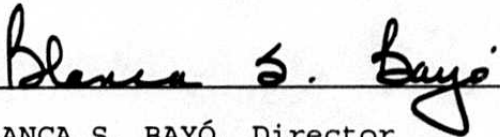
ORDERED that Colorado River Communications Corp.'s response shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order in the manner and by the date set forth in the Notice of Further Proceedings or Judicial Review section of this Order shall constitute an admission of the violations described in the body of this Order, and waiver of the right to a hearing. It is further

ORDERED that this docket shall remain open pending resolution of this proceeding.

ORDER NO. PSC-96-1156-FOF-TI
DOCKET NO. 960853-TI
PAGE 4

By ORDER of the Florida Public Service Commission, this 17th
day of September, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BC

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.

This order is preliminary, procedural or intermediate in nature. 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 25-22.037(1), 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 October 8, 1996.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

ORDER NO. PSC-96-1156-FOF-TI
DOCKET NO. 960853-TI
PAGE 5

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.