

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960914-TI
proceedings against I.S.C.) ORDER NO. PSC-96-1183-FOF-TI
International Telecommunications) ISSUED: September 20, 1996
for violation of Rules)
25-24.470, Certificate of Public)
Convenience and Necessity)
Required, and 25-4.043, Response)
to Commission Staff Inquiries.)

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
AGAINST I.S.C. INTERNATIONAL TELECOMMUNICATIONS

BY THE COMMISSION:

A representative in the debit card industry provided staff with a debit card identified as I.S.C. International Telecommunications (ISC) and indicated that this card is sold in the Miami area. Long distance service is offered through debit cards. ISC is not certificated as an interexchange carrier in Florida.

Staff sent a letter on July 9, 1996, to ISC requesting information regarding ISC's operations in Florida; and, informing ISC that the Commission may require an IXC certificate. On July 23, 1996, the U.S. Post Office returned the letter and marked it "Refused; Notified 7-18".

Subsequently, on July 24, 1996, staff called the toll-free number used to access the debit card's long distance service; however, a recording was reached that advised the caller that the number is not in service or cannot be reached from the calling area. Staff then called the "For Assistance" number that stated the number was temporarily disconnected. BellSouth advised staff that the account was in the name of Interglobal Services Corporation and the service was disconnected.

DOCUMENT NUMBER-DATE

10042 SEP 20 1996

FPSC-RECORDS/REPORTING

Rule 25-24.470, Florida Administrative Code, states:

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

In addition, Rule 25-24.480 (1)(a), Florida Administrative Code, incorporates Rule 25-4.043, Florida Administrative Code, and states that "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."

Since it appears ISC may be providing long distance service through the use of debit cards, staff's inability to contact ISC, the disconnection of ISC's telephone service, and the increasing popularity of prepaid debit card service, we have the responsibility of ensuring that consumers receive the service being purchased. Therefore, we order ISC to show cause why a fine of up to \$25,000 should not be imposed in accordance with Section 364.285, Florida Statutes. In addition, ISC'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 ISC 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 I.S.C. International Telecommunications is ordered to show cause why it should not be fined for Rule Violations as described in the body of this Order. It is further

ORDERED that I.S.C. International Telecommunications' response shall contain specific allegations of fact and law. It is further

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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 violation 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 show cause proceeding.

By ORDER of the Florida Public Service Commission, this 20th day of September, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kary J. Ryan
Chief, Bureau of Records

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(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 10, 1996.

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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.

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.