

Talbott: *lw*  
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FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center @ 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**M E M O R A N D U M**

FEBRUARY 20, 1997

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (WILLIAMS, STRONG) *MS*  
DIVISION OF LEGAL SERVICES (STOVER) *MS*

**RE:** DOCKET NO. 970155-TI; CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4026 ISSUED TO UPGRADE SERVICES, INC. FOR VIOLATION OF RULE 25-24.480(2)(a)(b), F.A.C., RECORDS AND REPORTS; RULES INCORPORATED.

**AGENDA:** 03/04/97 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**SPECIAL INSTRUCTIONS:** I:PSC/CMU/WP/970155.BCM

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission cancel UPGRADE SERVICES, INC.'s (USI) Interexchange Telecommunications Certificate No. 4026 if it fails to pay a \$250 fine within 30 days from the date the order becomes final and provide staff the correct mailing address, liaison information and other information as required by Rules 25-24.480, (2) (a) and (b), Florida Administrative Code, Records and Reports; Rules Incorporated?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** Pursuant to Chapter 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of a interexchange telephone company (IXC) certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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**Date: February 20, 1997**

Pursuant to Rules 25-24.480 (3) (a) and (b), Florida Administrative Code, each company is allowed 10 days after a change occurs to file updated information indicating any changes in the certificate holder's address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission.

Mail sent to USI in December was returned to our Division of Records and Reporting. Further investigation indicated that USI's telephone number listed in the MCD directory had been disconnected.

Therefore:

- \* The company has failed to comply with Rules 25-24.480 (2) (a) and (b), Florida Administrative Code, in that it has not filed with staff the change in mailing address, liaison information etc. within 10 days after the change occurred.
- \* Staff has attempted to contact the provider via telephone without success.
- \* It has been well over 10 days and staff has not been informed of the provider's correct mailing address, phone number, or liaison information. Therefore, staff recommends that the company's certificate be cancelled unless it pays a \$250 fine and provides staff with the information required in accordance with Rules 25-24.480 (3) (a) and (b), Florida Administrative Code, within 30 days of the Order becoming final.
- \* Staff notes cancellation or a fine is consistent with previous proceedings of this nature.

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

**RECOMMENDATION:** If no person whose substantial interests are affected files a protest within 21 days of the issuance date of the Order, the Order will become final, and the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required by Rules 25-24.480 (3) (a) and (b), Florida Administrative Code, or its certificate will be cancelled without further Commission action. Upon payment of the fine or cancellation of the certificate, this docket should be closed without further Commission action.

**STAFF ANALYSIS:** If the Commission adopts staff's recommendation in Issue 1, then the provider will have 30 days from the date the Order becomes final to pay a \$250 fine and provide staff with the information as required by Rules 25-24.480 (3) (a) and (b), Florida Administrative Code, or its certificate will be cancelled without further Commission action. If no protest is filed in this docket, the docket should be closed after the conclusion of the 30 day period.