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May 8, 1997

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MAY - 8 1997
FPSC - Records/Reporting

Ms. Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Initiation of Show Cause Proceedings Against World Access
Communications Corp. For Violations of Rule 25-24.4701, F.A.C., Provision
of Regulated Communications Services to Uncertificated Resellers
Prohibited, Docket No. 960216-TI

Dear Ms. Bayo:

Enclosed please find the original and fifteen (15) copies of World Access
Communications Corp.'s Amended Prehearing Statement.

If additional information is needed, please do not hesitate to contact me.

Sincerely,

John R. Marks, III

ACK _____
AFA _____
APP 1 _____
CAF _____
CMU 1 _____
CTR _____
EAG _____
LEG 2 _____
LIN 3 JRM/lcg
OPC _____ Enclosures
RCH _____
SEC 1 _____
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DOCUMENT NUMBER-DATE
04595 MAY-85
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause)
Proceedings Against World Access)
Communications Corp. for Violation)
of Rule 25-24.4701, F.A.C., Provisions)
of Regulated Communications Service)
to Uncertified Resellers Prohibited.)

Docket No. 960216-TI

Filed: May 8, 1997

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WORLD ACCESS COMMUNICATIONS
CORP.'S AMENDED PREHEARING STATEMENT

Pursuant to Order No. PSC-97-0046-PCO-TI, World Access Communications Corp. (hereinafter "World Access") files this Amended Prehearing Statement.

- A. All Known Witnesses: World Access proposes to call Joel Esquenazi, President, to offer direct testimony. World Access reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct testimony, and witnesses to respond to Commission inquiries not in direct testimony, and witnesses to address issues not presently designated that may be designated at the prehearing conference to be held on May 12, 1997.
- B. All Known Exhibits: Listed below is a tentative list of exhibits which World Access intends to utilize in this proceeding. World Access reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Civil Procedure and the Rules of this Commission.

<u>Witness</u>	<u>Document Indicator</u>	<u>Exhibit Register</u>
Joel Esquenazi	JE-1	November/December 1995 Calls Correspondent; Bill from World Access for Service to Telecuba
	JE-2	World Access Florida Inter-exchange Carrier Tariff, effective 11/11/95
	JE-3	World Access Florida Revised Inter-exchange Carrier Tariff

DOCUMENT NUMBER-DATE

04595 MAY-86

FPSC-RECORDS/REPORTING

JE-4

Listing of Calling Card usage by
Telecuba

JE-5

Letter terminating Telecuba's service

C. World Access' Statement of Basic Position:

World Access Communications Corp. (World Access) is a Florida corporation certificated by the Florida Public Service Commission to provide interexchange telecommunication service. Pursuant to its certificate and tariff, World Access purchases long distance services at wholesale rates for resale to customers. World Access also has several 1-800 numbers obtained from AT&T which allows its customers to access phone lines in the United States from anywhere in the world in order to complete international calls.

In or about April, 1995 World Access entered into a contract with Telecuba for the resale of long distance service. World Access provided Telecuba with access to long distance telecommunications services for marketing, resale and distribution of Telecuba's long distance prepaid calling cards. World Access also provided Telecuba with access to several 800 numbers for resale. At no time was Telecuba an agent of World Access. Telecuba was an enduser/customer of World Access engaged in the marketing and of prepaid long distance debit cards to the general public. Telecuba specifically represented to World Access that it was licensed and authorized by the appropriate regulatory agencies to resell long distance services.

It is the position of World Access that Telecuba was an enduser/customer and at no time did World Access have the responsibility for or authorized the marketing or resale of long distance services provided by Telecuba through the resale of debit cards. In December, 1995, World Access notified Telecuba that World Access was discontinuing all services to Telecuba because of an unresolved billing dispute. From and after the date of discontinuance of service, World Access had no relationship whatsoever with Telecuba, and World Access is not responsible for any continuing services provided by Telecuba regarding the resale of long distance services. World Access did not knowingly provide telecommunication service for resale to an uncertificated entity.

D.-G. World Access' Position on the Issues:

Issue 1. Should the Commission require World Access to provide its relevant call detail records in a standard format to Telecuba to facilitate proper customer refunds?

World Access: Yes. World Access agrees to provide any records in its possession to Telecuba to facilitate proper customer refunds.

Issue 2. Should World Access complete direct refunds to consumers plus interest pursuant to Rule 25-4.114, Florida Administrative Code, for debit cards sold that were unusable?

World Access: No. Since World Access neither marketed, sold or distributed debit cards through Telecuba. World Access should not be responsible for the refund of any monies to any parties for the sale of prepaid calling cards sold by Telecuba. World Access acknowledges that it had a relationship with Telecuba up to the discontinuance of service to Telecuba in December of 1995. If the Commission should find that World Access knowingly provided interexchange telecommunication services to an entity requiring certification, i.e. Telecuba, then World Access may be subject to an appropriate penalty but Telecuba would be solely responsible for all refunds due to its customers.

Issue 3. Did World Access knowingly provide interexchange telecommunications service to an uncertificated entity?

World Access: No. World Access had no knowledge that Telecuba was reselling World Access service in an unauthorized manner. Telecuba misrepresented their qualifications to World Access when they specifically represented to World Access that it was licensed and authorized to provide interexchange telecommunication service.

Issue 4. Should the Commission fine World Access for knowingly providing interexchange telecommunications service to an uncertificated entity?

World Access: No. World Access believes that given the circumstances in this matter and especially misrepresentations made by Telecuba regarding the provision of interexchange telecommunication service, World Access should not be fined.

Issue 5. Should the Commission cancel World Access' certificate for knowingly providing interexchange telecommunications service to an uncertificated entity?

World Access: No. World Access agrees with the staff that this matter does not rise to the level requiring the revocation of World Access' certificate.

Issue 6. If it is determined that a fine is appropriate, what amount should be levied?

World Access:

Based on World Access' response to the foregoing issues, it is its position that the imposition of any penalty is unwarranted. However, if the Commission does believe that the conduct of World Access rises to a level to warrant a penalty, such a penalty should be no more than a \$5,000.00 fine.

Respectfully submitted this 8th day of May, 1997.

John R. Marks, III
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Marks, Bryant & Yon, P.A.
106 East College Avenue, Suite 1200
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(904) 224-9634
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand delivery to Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 8th day of May, 1997.



John R. Marks, III