

**PUBLIC COMMUNICATIONS**

1851 Peeler Road • Suite D  
Atlanta, GA 30338-5714

**CERTIFIED**

P 487 303 211



**MAIL**

DEPOSIT

DATE

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MAIL ROOM

SEP 23 1998

Director of Division of Records  
Florida PSC

2540 Shumard Oak Blvd  
Tallahassee FL 32399-0

ORIGINAL

32399/0830



980606-TI

**PUBLIC COMMUNICATIONS INC.**

1851 PEELER RD., SUITE D  
ATLANTA, GA 30338-5794  
PH: (770) 668-6682

REGIONS BANK OF ATLANTA  
ATLANTA, GA

012572

9/18/98

PAY TO THE  
ORDER OF

Florida Public Service Commission

\$ \*\*5,000.00

Five Thousand and 00/100\*\*\*\*\*

DOLLARS

Florida Public Service Commission  
Attn: Director of Records and Recording  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

ACK \_\_\_\_\_ Docket # 980606-TI, Order # PSC-98-1218-AS-TI

APAO \_\_\_\_\_

APP \_\_\_\_\_

- CAF \_\_\_\_\_
- CMU   I
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG   I
- LIN \_\_\_\_\_
- OPR \_\_\_\_\_
- F \_\_\_\_\_
- SE   I
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

RAR  
Louis Yambor

DOCUMENT NUMBER - DATE

10505 SEP 23 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Valu-Tel, Inc. and Public Communications, Inc. for violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

DOCKET NO. 980606-TI  
ORDER NO. PSC-98-1218-AS-TI  
ISSUED: September 15, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

On April 24, 1998, we received a consumer complaint regarding possible deceptive practices involving three companies: Valu-Tel, Inc. (VTI), Public Communications, Inc. (PCI); and Telecommunications Service Center, Inc. (TSCI). The complaint stemmed from the use of an entry form for a contest which automatically enrolled the contestant into an 800 service. We believe that few, if any, consumers entering the contest realized that they were obligating themselves to a \$4.95 activation fee, a \$4.95 recurring monthly charge for the 800 service, plus \$.25 per minute of use, all billed on their local exchange telephone bill.

At the time we began our investigation, neither VTI nor PCI were certificated through this Commission or registered corporations in the State of Florida. VTI and PCI appeared to be offering the 800 telephone service without a certificate, and Florida consumers have entered the "contest" and subjected themselves to billing by TSCI on local exchange company bills. The activities of VTI, PCI and TSCI appeared to constitute "cramming" of unauthorized charges on local phone bills. TSCI's participation

in this matter is being processed separately in Docket No. 980605-TI.

Although the sweepstakes forms were worded as though VTI/PCI were providing service, VTI and PCI have asserted that they were merely marketers and that actual telecommunications services were provided by TSCI. The owner of VTI and PCI met with Commission staff and asserted that it was never his or his companies' intent to offer telecommunications service. Thereafter, VTI and PCI submitted an offer of settlement which is attached and incorporated herein as Attachment A. In the offer VTI and PCI agreed to the following:

- VTI and PCI will act as marketing companies only. All offers on LOA's will clearly show the carrier as TSCI.
- Both companies have registered with the Florida Secretary of State.
- VTI and PCI will discontinue the use of a "Sweepstakes" promotion now and in the future.
- VTI and PCI will make a contribution in the amount of \$5,000 to the General Revenue Fund of the State of Florida, with no admission of liability or wrongdoing.

We find the terms of the settlement to be reasonable. We applaud VTI and PCI's cessation of the use of sweepstakes in their marketing. We also note that both companies have now registered as Florida corporations. Accordingly, the June 29, 1998, offer of settlement is hereby approved.

This docket shall remain open pending the remittance of the \$5,000 voluntary contribution, which shall be remitted within five business days after issuance of this Order. Upon remittance, the \$5,000 settlement will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, and this docket will be closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Offer of Settlement dated June 29, 1998, by Valu-Tel, Inc., and Public Communications, Inc., is hereby approved. It is further

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DOCKET NO. 980606-TI  
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ORDERED that this docket shall remain open pending the remittance of the \$5,000 voluntary contribution. The voluntary contribution shall be remitted within five business days after issuance of this Order. Upon remittance, the \$5,000 settlement will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes, and this docket will be closed administratively.

By ORDER of the Florida Public Service Commission this 15th day of September, 1998.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

CB

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.

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DOCKET NO. 980606-TI  
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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.