

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 960914-TI
proceedings against I.S.C.) ORDER NO. PSC-97-0017-FOF-TI
International Telecommunications) ISSUED: January 6, 1997
for violation of Rules 25-)
24.470, F.A.C., Certificate of)
Public Convenience and Necessity)
Required, and 25-4.043, F.A.C.,)
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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE FOR SHOW CAUSE PROCEEDING

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Our staff obtained a debit card identified as I.S.C. International Telecommunications ("ISC" or "the Company"). On July 9, 1996, staff mailed ISC a certified letter requesting information about its Florida operations and advising that certification may be required by the Commission. The letter was returned by the Post Office marked "Refused." Staff attempted to reach ISC by telephone but ISC's telephone service was disconnected.

By Order No. PSC-96-1183-FOF-TI, issued September 20, 1996, we initiated proceedings requiring ISC, which is not certificated as an interexchange carrier (IXC), to show cause within 20 days why it should not be fined up to \$25,000 for violations of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and 25-4.043, Florida

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FPSC-RECORDS/REPORTING

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Administrative Code, Response to Commission Staff Inquiries. ISC did not respond.

On October 1, 1996, the Post Office returned the certified copy of Order No. PSC-96-1183-FOF-TI, indicating there was no one at ISC's place of business to accept the letter. On October 28, 1996, Directory Assistance informed Staff there was no listing for ISC.

In previous dockets involving companies operating without a certificate and not responding to staff inquiries, fines and settlements have ranged up to \$40,714. In view of the company's failure to respond to Show Cause Order No. PSC-96-1183-FOF-TI, staff's inquiries, and the nature of the investigation, we impose a fine of \$25,000. Pursuant to Section 364.285(1), Florida Statutes, the fine will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund.

Commission staff shall attempt to collect the fine from ISC. If ISC fails to respond to reasonable collection efforts, Commission staff shall refer the fine to the Comptroller's Office for further collection efforts. Reasonable collection efforts shall constitute two certified letters requesting payment. The referral to the Comptroller's Office shall be based on the conclusion that further collection efforts are not cost-effective.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that I.S.C. International Telecommunications shall pay a fine of \$25,000 to the Florida Public Service Commission, with the monies to be forwarded to the Office of the State Treasurer for deposit in the General Revenue Fund. It is further

ORDERED that I.S.C. International Telecommunications will have 30 days from the date this order becomes final to pay the \$25,000 fine. It is further

ORDERED that the provisions of this order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that this docket shall be closed upon verification that I.S.C. International Telecommunications has complied with this order or after collection of this fine has been referred to the Comptroller's Office.

By ORDER of the Florida Public Service Commission, this 6th day of January, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 25-22.029(4), 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 January 27, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an 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. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.