

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause) DOCKET NO. 961480-TI
proceedings against Ramcom) ORDER NO. PSC-97-0228-FOF-TI
Group, Inc. for violation of) ISSUED: February 26, 1997
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:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER TO SHOW CAUSE

BY THE COMMISSION:

I. BACKGROUND

Initially, we obtained a debit card identified as "GlobalTel Debit Card". Ramcom Group, Inc. (Ramcom), the company providing the debit card, is not certificated as an interexchange carrier in Florida. As a result, we wrote Ramcom a certified letter on July 10, 1996, asking for information about its operations in Florida and informing the company that an IXC certificate may be required for its operations. We requested a written response by July 25, 1996. A Ramcom representative called us on July 15, 1996, to discuss its operations. Based on the representative's description, we advised Ramcom that it appeared certification was required. An IXC certificate application was mailed to the company for completion on that same day.

On August 15, 1996, we wrote Ramcom another certified letter, explaining that the application had not been received, and requesting that the application be returned by August 28, 1996. This letter was returned unclaimed and marked "Out of Business" by the Post Office on September 11, 1996.

DOCUMENT NUMBER-DATE

02139 FEB 26 97

FPSC-RECORDS/REPORTING

Subsequently, we found a different address for Ramcom through the Secretary of State, Division of Corporations. We then mailed another certified letter on September 11, 1996, requesting a response from Ramcom by September 26, 1996. The Post Office notified us on September 19, 1996, that the letter was delivered to the new address and signed for by the company. Ramcom, however, has failed to respond.

II. Alleged Violation

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.

Upon consideration, it appears the company is providing long distance service through the use of debit cards in violation of Rule 25-4.470, Florida Administrative Code, requiring a certificate of public convenience and necessity. Also, the company's failure to respond to staff's most recent inquiry appears to be a violation of Rule 25-4.043, Florida Administrative Code.

III. Conclusion

Accordingly, pursuant to Chapter 364.285, Florida Statutes, we order Ramcom Group to show cause why a fine of up to \$25,000 per day should not be imposed each day it is determined to be in violation of Rules 25-24.470 and 25-4.043, Florida Administrative Code. In the event the company is fined, the monies shall be forwarded to the Office of the Comptroller for deposit in the General Revenues Fund pursuant to Section 364.285(1), Florida Statutes.

This docket shall remain open pending resolution of the show cause process. We order Ramcom Group, Inc. to respond, in writing, to the allegations set forth in the show cause order within 20 days of the issuance of the order. The company's response must contain specific allegations of facts and law. If Ramcom Group, Inc. fails to respond, such failure shall be deemed an admission of all facts contained in this Order and the waiver of a right to a hearing.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that, pursuant to Chapter 364.285, Florida Statutes, Ramcom Group, Inc. show cause, in writing, why a fine of up to \$25,000 per day should not be imposed each day it is determined to be in violation of Rules 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, and 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. It is further

ORDERED that in the event the company is fined, the monies shall be forwarded to the Office of the Comptroller for deposit in the General Revenues Fund pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that Ramcom Group, Inc.'s response shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order within 20 days of its issuance in the manner herein prescribed shall constitute an admission of the violations described in the body of this Order, and waiver of the right to a hearing.

ORDER NO. PSC-97-0228-FOF-TI
DOCKET NO. 961480-TI
PAGE 4

By ORDER of the Florida Public Service Commission, this 26th
day of February, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

WPC

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.

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 March 18, 1997.

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.