

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 940388-TI
certificate to provide) ORDER NO. PSC-94-1089-FOF-TI
telecommunications service by) ISSUED: September 6, 1994
CASH ADVANCE SYSTEMS, INC. d/b/a)
INTERWORLD.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICES

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 in accordance with Rule 25-22.029, Florida Administrative Code.

On April 21, 1994, Cash Advance Systems, Inc. d/b/a Interworld filed an application for a Certificate of Public Convenience and Necessity to operate as an interexchange telephone company in Florida, providing interexchange telecommunication services.

Interworld is a corporation registered to transact business in Florida. The Company has not been certificated in any other state; nor has it been subject to any regulatory penalties. The company also stated its intent to comply with all applicable Commission rules and orders.

However, during the review process, incriminating information was received from the U.S. Postmaster General, Office of Investigations and the U.S. Department of Justice, Office of the U.S. Attorney in Miami regarding the principal officers of Interworld and prison terms they served for wire fraud and mail fraud.

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FPSC-RECORDS/REPORTING

Rule 25-24.470 and Rule 25-24.471, Florida Administrative Code, establishes the requirements for certification as an interexchange telephone company (IXC). Specifically, Rule 25-24.471(3), Application for Certificate, F.A.C. states:

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

Mr. Jeffry Collender, President of Interworld, appeared before us on June 21, 1994, to present evidence of rehabilitation and his fitness to do business in the State of Florida as an IXC provider. He described his present business as a re-origination telephone service operating in several foreign countries as well as in the U.S. After hearing his statement, we deferred his application to allow him to submit further evidence of his business fitness and willingness to comply with the law and the Commission's Rules.

On July 1, 1994, Mr. Collender provided us with recommendations from four business associates affirming his fitness to conduct business. He did not, however, provide answers to four specific questions that we had requested he answer. On July 14, 1994, the Commission staff mailed and faxed a letter to Mr. Collender specifically asking the questions again. The questions were: 1) What is the business specifically?; 2) What services do you provide?; 3) What do you charge for these services?; 4) Is the operation under the jurisdiction of the FCC? The letter also informed him that the answer to question 4 was "yes" and that the FCC had informed us that a tariff filing is required to operate a business such as his, as well as certification. Mr. Collender responded July 22, providing his FCC certificate number, ITC-93-143, and answering the questions with brief, incomplete answers.

At our August 2, 1994 Agenda Conference, we voiced our dissatisfaction with Mr. Collender's incomplete answers to the questions and yet again deferred the docket to give him a chance to answer the questions and demonstrate compliance with the FCC's Rules.

On August 3, 1994, Mr. Collender faxed a letter to the Commission stating that the FCC did not require him to submit any tariffs until he had grouped together all of the countries he is working in. A call to the FCC by a member of our staff indicated that Mr. Collender's assertion was incorrect. He was subsequently informed in a letter dated August 4, 1994 that, because no tariff had been submitted to the FCC, he was presently in violation of the

FCC's rules. He was also informed that the FCC would allow him to submit tariffs for the countries that he is presently doing business in and that he could submit addendum tariff filings as necessary.

Mr. Collender called the Commission staff on August 9 to express his discontent with the letter of August 4 and the demands of the Commission which he described as discriminatory and unfair. He claimed that the Commission lacked jurisdiction and could not require him to be in compliance with the FCC's Rules.

The grant of an IXC Certificate is a privilege in this state. Mr. Collender's background suggests that he cannot be relied on to comply with the requirements imposed on IXCs. He has been given the opportunity to prove he can be relied on to provide service in the public interest. His failure to provide the information asked for indicates a lack of willingness to comply with other laws that are applicable to him. His failure to be cooperative is not acceptable and it does not appear that granting a certificate to Mr. Collender would be in the public interest. The application is therefore, denied.

This docket will be closed following the expiration of the period specified in the Notice of Further Proceedings or Judicial Review section of this Order unless an appropriate petition, protesting the application, is filed by one whose substantial interests may or will be affected by this proposed agency action, as provided in Rules 25-22.029 and 25-22.036(7)(a), Florida Administrative Code.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application of Cash Advance Systems, Inc. d/b/a Interworld, for an certificate to provide interexchange telecommunications services in Florida is denied. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 6th
day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Seligson
Chief, Bureau of Records

(S E A L)

SHS

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, at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 27, 1994.

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.

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If this order becomes final and effective on the date described above, any party adversely 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.