

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** October 24, 2019

**TO:** Office of Commission Clerk (Teitzman)

**FROM:** Office of the General Counsel (Dziechciarz) *RAD*  
Office of Industry Development and Market Analysis (Fogleman, Wendel) *Ad TW BMW CH*

**RE:** Docket No. 20190193-TX – Initiation of show cause proceeding against Tele Circuit Network Corporation for apparent violation of Order Nos. PSC-05-0361-PAA-TX and PSC-11-0419-PAA-TX.

**AGENDA:** 11/5/19 – Regular Agenda – Show Cause – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** ~~None~~ *Brown 10/24/19*

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

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### Case Background

Staff of the Florida Public Service Commission (Commission) opened this docket to initiate a show cause proceeding against Tele Circuit Network Corporation (Tele Circuit or Company) for apparent violation of Commission Order Nos. PSC-05-0361-PAA-TX and PSC-11-0419-PAA-TX.

Tele Circuit is a privately-held corporation, incorporated in Georgia, and authorized to transact business as a foreign corporation in Florida since July 14, 2003. By Order No. PSC-05-0361-PAA-TX (CLEC Order), issued on April 4, 2005, this Commission granted Tele Circuit a Competitive Local Exchange Company (CLEC) Certificate, No. 8573, pursuant to Section 364.335(1)(b)(2), Florida Statutes (F.S.).<sup>1</sup> Tele Circuit provides service in BellSouth

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<sup>1</sup> Order No. PSC-05-0361-PAA-TX, issued April 4, 2005, in Docket No. 20050126-TX, *In re: Application for certificate to provide competitive local exchange telecommunications service by Tele Circuit Network Corporation.*

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Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast's (AT&T) territory as a reseller of AT&T service.

By Order No. PSC-11-0419-PAA-TX (ETC Order), issued on September 28, 2011, the Commission designated Tele Circuit as a landline (or "wireline") Eligible Telecommunications Carrier (ETC) throughout AT&T's service territory, pursuant to Chapter 47 Code of Federal Regulations (C.F.R.), Section 54.201(c).<sup>2</sup> In Florida, a company may receive a wireline ETC designation from the Commission, but must seek a wireless ETC designation from the Federal Communications Commission (FCC). Companies that are designated as ETCs have the ability to receive Universal Service Fund (USF) support from the Universal Service Administration Company (USAC) for providing qualifying services from the four major USF programs: High-Cost, Low-Income (Lifeline), Rural Health Care, and the Schools and Libraries divisions. USF support is provided to ETCs in the form of monetary reimbursement.

Tele Circuit's purpose in seeking its ETC designation was to receive federal support for offering the Lifeline discount to its low-income customers.<sup>3</sup> The Company currently serves approximately 300 customers in the state of Florida, and claims reimbursement from the USF for 34 of its customers under the Lifeline program.<sup>4</sup>

On May 16, 2019, staff received a complaint concerning a customer's desire to acquire wireline service under the Lifeline program from Tele Circuit.<sup>5</sup> The customer informed staff that a Tele Circuit representative stated that the Company is no longer offering wireline service, but that the customer could instead receive the Lifeline discount if they used a wireless service.

On May 21, 2019, staff emailed Tele Circuit to determine if the Company had in fact stopped offering the Lifeline discount for wireline service, as this is the only type of service Tele Circuit is authorized to provide pursuant to the ETC Order. Tele Circuit responded that it was unable to provide new customers with the Lifeline discount using wireline service due to a technical issue, but that if the customer was willing to use a wireless phone, the Company would still offer the Lifeline discount after verifying the customer's eligibility.<sup>6</sup>

Following additional conversations with Tele Circuit, staff learned that due to a dispute regarding overcharges in billing between AT&T and Tele Circuit, the Company was not able to sell wireline service in Florida to new customers.<sup>7,8</sup> Staff also confirmed that Tele Circuit was

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<sup>2</sup> Order No. PSC-11-0419-PAA-TX, issued September 28, 2011, in Docket No. 20080201-TX, *In re: Application for designation as an eligible telecommunications carrier by Tele Circuit Network Corporation*.

<sup>3</sup> See Document No. 02631, Docket No. 20080201-TX, *In re: Application for designation as an eligible telecommunications carrier by Tele Circuit Network Corporation*, page 8.

<sup>4</sup> See 04/15/2019 Tele Circuit CLEC Questionnaire Response (Attachment A) and 06/20/2019 Email from Tele Circuit to Commission staff (Attachment B).

<sup>5</sup> See 05/16/2019 Consumer Activity Tracking System Entry (Attachment C).

<sup>6</sup> See 05/21/2019 Email from Tele Circuit to Commission staff (Attachment D).

<sup>7</sup> See Document No. 07498-2017, in Docket No. 20170196-TP, *In re: Request for approval of interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast and Tele Circuit Corporation*, Section 12.6.5, page 30 of 55.

<sup>8</sup> See 6/17/2019 Email from Tele Circuit to Commission staff (Attachment E).

advertising a “wireless home phone-hub” service to its customers, and providing new customers who wished to receive the Lifeline discount with wireless phone service via the phone-hub.<sup>9</sup>

Staff requested a copy of any advertising material or user manual(s) provided to Tele Circuit customers for the wireless home phone-hub.<sup>10</sup> The wireless home phone-hub appears to operate on either the Sprint or Verizon wireless networks, but Tele Circuit apparently believes it qualifies as wireline service. It is unclear if customers are informed that they are not receiving wireline service when receiving this technology from Tele Circuit. In a follow-up response, Tele Circuit stated that only one of its 34 Lifeline customers in Florida is utilizing the wireless home phone-hub service, and that the remaining 33 customers are using wireline service.<sup>11</sup>

Tele Circuit further advised staff that the Company contacted USAC to ensure that use of the wireless home phone-hub technology was permissible for the Lifeline program. Staff requested the name of the contact at USAC and any formal documentation of USAC’s approval of the use of the wireless technology. Tele Circuit informed staff that it did not know the individual’s name, nor did it receive any formal documentation.<sup>12</sup> Staff contacted USAC to verify the approval of the technology; however, USAC did not provide any information.

Staff requested additional information from AT&T and Tele Circuit regarding the nature of the dispute between the companies. AT&T informed staff that it reached a settlement agreement with Tele Circuit that dictated that the Company must remove all customers from AT&T lines by December 31, 2019. AT&T also provided staff with a letter sent by Tele Circuit to its customers informing them of the Company’s need to migrate its customers off of its current network.<sup>13</sup>

When staff requested information from Tele Circuit regarding the dispute, the Company originally stated that the dispute was resolved, and advised that it was able to provide wireline service to new customers in Florida.<sup>14</sup> After further inquiry, the Company advised that AT&T and Tele Circuit were still in negotiations regarding their dispute, but did not advise staff of the settlement agreement.<sup>15</sup>

Similarly, Tele Circuit provided contradictory responses to staff regarding its current bankruptcy status. In a response to a data request regarding the 2019 Status of Competition in the Telecommunications Industry Report, Tele Circuit advised that it filed for Chapter 11 bankruptcy in June 2018.<sup>16</sup> However, in a data request response regarding the Commission’s annual Lifeline Assistance Report, Tele Circuit failed to state that it had filed for bankruptcy within the last year.<sup>17</sup>

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<sup>9</sup> *Id.*

<sup>10</sup> See Tele Circuit User Manual (Attachment F).

<sup>11</sup> See Attachment B.

<sup>12</sup> See 05/22/2019 Email from Tele Circuit to Commission staff (Attachment G).

<sup>13</sup> See 07/19/2019 Letter from Tele Circuit (Attachment H).

<sup>14</sup> See 08/09/2019 Email from Tele Circuit to Commission staff (Attachment I).

<sup>15</sup> See 08/23/2019 Email from Tele Circuit to Commission staff (Attachment J).

<sup>16</sup> See Attachment A.

<sup>17</sup> See Tele Circuit Lifeline Assistance Report Data Request Response (Attachment K), Question 15.

Tele Circuit also stated in its data request response that it was not involved in any FCC enforcement actions within the last two years.<sup>18</sup> However, during the course of the informal investigation into Tele Circuit's provision of wireless service for its Lifeline customers, staff discovered a Notice of Apparent Liability for Forfeiture (NAL), issued by the FCC on April 27, 2018, which the Company should have disclosed.

In the NAL, the FCC proposed that the Company pay a \$5.3 million fine due to the egregious nature of Tele Circuit's apparent misconduct, which involved the deceptive practices commonly referred to as "slamming" and "cramming." Slamming refers to the practice of changing a customer's preferred service provider without proper authorization, and cramming refers to the practice of placing unauthorized charges for long distance service on a customer's bill. Slamming and cramming cause consumers to spend significant time and effort to return to their preferred carriers, to remove unauthorized charges from their bills, and to file complaints with law enforcement agencies.<sup>19</sup>

Notably, the FCC stated that:

In some instances, the apparent misconduct of Tele Circuit left vulnerable consumers without telephone service for extended periods of time – with Tele Circuit allegedly refusing to reinstate service until the crammed charges were paid in full. Further, it appears that some of the third-party verification recordings that Tele Circuit provided to the Commission as "evidence" of consumer authorization were fabricated.<sup>20</sup>

The FCC emphasized how Tele Circuit's apparent misconduct caused "great consternation among these victims and their family members, and created dangerous or potentially life-threatening situations."<sup>21</sup> In one example, the complainant alleged that Tele Circuit persuaded a 94-year old customer to switch carriers to Tele Circuit, and then cut off service before the elderly customer's guardian knew the service had been switched. The complainant noted that "[t]his is the only way she or her caregivers can contact me or anyone in case of an emergency."<sup>22</sup>

Another complainant alleged that Tele Circuit wrongfully switched her mother's service, and ultimately disconnected her. When the complainant requested to listen to the recording of her mother allegedly authorizing Tele Circuit's carrier switch, the Company could not provide it. She stated that "[a]s of right now my mother is without a phone and if anything happens to her, she can't even dial 911 because she has no service at all ... [i]t's sad that these companies prey on the elderly."<sup>23</sup> Staff contacted the FCC to determine if there was any settlement or additional actions that resulted from the NAL, but has not received any additional information to date.

Given the serious nature of the allegations that the FCC presented against Tele Circuit, the Company's apparent inability to provide staff with consistent and accurate information, and its

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<sup>18</sup> *Id.* at Question 16.

<sup>19</sup> See FCC WC Docket No. 18-54, <https://docs.fcc.gov/public/attachments/FCC-18-54A1.pdf>, page 1.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 4.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

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prohibited use of wireless technology for Lifeline customers, staff determined that it appears that Tele Circuit was in violation of its ETC Order and CLEC Order. Issue 1 is staff's recommendation regarding Tele Circuit's apparent violation of its ETC Order, for use of non-compliant wireless technology for its Lifeline customers, and because it is no longer in the public interest for Tele Circuit to be designated as an ETC. Issue 2 is staff's recommendation regarding Tele Circuit's apparent violation of its CLEC Order, due to insufficient managerial capability to provide CLEC service in Florida.

The procedure followed by the Commission in dockets such as this is to consider the Commission staff's recommendation and determine whether the alleged facts warrant requiring the entity to respond. If the Commission agrees with staff's recommendation, the Commission issues an Order to Show Cause (Show Cause Order). A Show Cause Order is considered an administrative complaint by the Commission against the entity, pursuant to Section 120.60(5), F.S. If the Commission issues a Show Cause Order for Issue 1, then to keep its ETC designation in the state of Florida, Tele Circuit would have to provide a response to the Commission within 21 days, which disputes the factual allegations contained in the Show Cause Order, and contains a request for a hearing pursuant to Sections 120.569 and 120.57, F.S. If the Company requests a hearing, a further proceeding would be scheduled before the Commission makes a final determination on the matter.

If the Commission issues a Show Cause Order for Issue 2, then to keep its CLEC Certificate, Tele Circuit would have to provide a response to the Commission within 21 days which disputes the factual allegations contained in the Show Cause Order, and contains a request for a hearing pursuant to Sections 120.569 and 120.57, F.S. If the Company requests a hearing, a further proceeding would be scheduled before the Commission makes a final determination on the matter.

If Tele Circuit fails to timely respond to the Show Cause Order, then it would be deemed to have admitted the factual allegations contained in the Show Cause Order. The Company's failure to timely respond would also constitute a waiver of its right to a hearing. If the Company does not timely respond, a final order would be issued imposing the sanctions set out in the Show Cause Order.

If a final order is issued regarding Issue 1, then Tele Circuit's ETC status would be revoked in the state of Florida, and the Company would no longer be able to offer the Lifeline discount to its customers in Florida. Tele Circuit would also be prohibited from receiving monetary support from the USF for its Lifeline customers in Florida. Tele Circuit submitted an application to the FCC for wireless ETC status on July 6, 2012; however, the application is still pending. If approved, Tele Circuit would be permitted to provide wireless Lifeline service (including in Florida), and again receive support from the USF. If a final order is issued regarding Issue 2, then Tele Circuit's CLEC certificate would be revoked, and the Company would no longer be able to provide any wireline service in the state of Florida.

The Commission has jurisdiction pursuant to Sections 364.10(2), 364.285, and 364.335, F.S.

## Discussion of Issues

**Issue 1:** Should the Commission order Tele Circuit to show cause, in writing, within 21 days from the issuance of the order, why its Eligible Telecommunications Carrier status in Florida should not be revoked for apparent violation of Order No. PSC-11-0419-PAA-TX, due to use of non-compliant wireless technology for its Lifeline customers, and because it is no longer in the public interest for Tele Circuit to be designated as an ETC?

**Recommendation:** Yes, Tele Circuit Network Corporation should be ordered to show cause, in writing, within 21 days from the issuance of the order, why its Eligible Telecommunications Carrier status in Florida should not be revoked for apparent violation of Order No. PSC-11-0419-PAA-TX, due to use of non-compliant wireless technology for its Lifeline customers, and because it is no longer in the public interest for Tele Circuit to be designated as an ETC. (Dziechciarz, Fogleman, Wendel)

### **Staff Analysis:**

#### Law

State commissions have the primary responsibility for performing ETC designations. In the state of Florida, the Commission has the jurisdiction to designate wireline, but not wireless, ETCs.<sup>24</sup> 47 C.F.R. Section 54.201(c), provides that:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (d) of this section. Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the state commission shall find that the designation is in the public interest.

47 C.F.R. Section 54.201(d), provides that carriers designated as ETCs shall, throughout the designated service area: (1) offer the services that are supported by federal universal support mechanisms whether using their own facilities or a combination of their own facilities and the resale of another carrier's services, and (2) advertise the availability of such services and related charges therefore using media of general distribution.

In addition to the responsibility for performing wireline ETC designations, the Commission also possesses the authority to revoke ETC designations for the failure of an ETC's compliance with any conditions imposed by the state.<sup>25</sup> The FCC has found that individual state commissions are

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<sup>24</sup> Section 364.011(4), F.S.

<sup>25</sup> FCC Docket Nos. 05-46 and 96-45, <https://docs.fcc.gov/public/attachments/FCC-05-46A1.pdf>, page 34.

qualified to determine what information is necessary to ensure that ETCs are in compliance with applicable requirements, including state-specific ETC eligibility requirements.<sup>26</sup>

Pursuant to Section 364.285(1), F.S., the Commission may impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each such day a violation continues, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364, F.S. Each day a violation continues is treated as a separate offense. Each penalty is a lien upon the real and personal property of the entity and is enforceable by the Commission as a statutory lien.

As an alternative to the above monetary penalties, Section 364.285(1), F.S., provides that the Commission may amend, suspend, or revoke any certificate issued by the Commission for any such violation. Part of the determination the Commission must make in evaluating whether and how to penalize a company is whether the company willfully violated the order, rule, or statute. Section 364.285(1), F.S., does not define what it is to “willfully violate” an order, rule, or statute. Willfulness is a question of fact.<sup>27</sup> The plain meaning of “willful” typically applied by the Courts in the absence of a statutory definition, is an act or omission that is done “voluntarily and intentionally” with specific intent and “purpose to violate or disregard the requirements of the law.”<sup>28</sup>

“It is a common maxim, familiar to all minds that ‘ignorance of the law’ will not excuse any person, either civilly or criminally.”<sup>29</sup> In making similar decisions, the Commission has repeatedly held that certificated companies are charged with the knowledge of the Commission’s orders, rules, and statutes, and that the intent of Section 364.285(1) is to penalize those who affirmatively act in opposition to those orders, rules, or statutes.<sup>30</sup> In other words, a company cannot excuse its violation because it “did not know.”

In recommending a monetary penalty or a form of certificate suspension or revocation, staff reviews prior Commission orders. While Section 364.285(1), F.S., treats each day of each violation as a separate offense with penalties of up to \$25,000 per offense, staff believes that the general purpose of imposing monetary penalties is to obtain compliance with the Commission’s orders, rules, or statutes. If a company has a pattern of noncompliance with an order, rule, or statute, or in particular if the violation of an order, rule, or statute adversely impacts the public health, safety, or welfare, then staff believes that a monetary penalty may not be appropriate or suffice to address the situation. In such a case, staff believes that the sanction should be the most severe. In this docket, staff’s informal investigation revealed that Tele Circuit appears to be using non-compliant wireless technology to claim reimbursement for its Lifeline customers. This is in direct violation of Order No. PSC-11-0419-PAA-TX. Therefore, staff believes that it is no longer

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<sup>26</sup> *Id.* at 33.

<sup>27</sup> *Fugate v. Fla. Elections Comm’n*, 924 So. 2d 74, 75 (Fla. 1st DCA 3006), *citing*, *Metro. Dade County v. State Dep’t of Env’tl. Prot.*, 714 So. 2d 512, 517 (Fla. 3d DCA 1998).

<sup>28</sup> *Id.* at 76.

<sup>29</sup> *Barlow v. United States*, 32 U.S. 404, 411 (1833).

<sup>30</sup> See Order No. PSC-15-0391-SC-TX, issued on November 10, 2015, in Docket No. 20150158-TX, *In re: Initiation of show cause proceedings against Sun-Tel USA, Inc. for apparent violation of Section 364.335(2), F.S., (Application for Certificate of Authority), Section 364.183(1), F.S., (Access to Company Records), Rule 25-4.0665(20), F.A.C., (Lifeline Service), and Rule 25-4.0051, F.A.C., (Current Certificate Holder Information)*.

in the public interest for Tele Circuit to be designated as an ETC, and staff is recommending the penalty of revoking Tele Circuit's ETC designation.

### Factual Allegations

As a wireline ETC in Florida, Tele Circuit may only claim Lifeline support for customers receiving wireline telecommunications service. As noted in the Case Background, on May 21, 2019, staff learned that Tele Circuit appears to be providing wireless technology to new Lifeline customers. Telecommunications carriers may provide their customers with service using any underlying technology they see fit; however, with respect to customers participating in the Lifeline program, Tele Circuit is only authorized in Florida to provide wireline service in order to receive access to the monies available via the USF. Staff's analysis indicates that Tele Circuit appears to be intentionally claiming reimbursement from USAC for Florida Lifeline customers using wireless technology, and staff recommends that Tele Circuit's ETC designation be revoked for this abuse of the USF.

In addition, staff learned that a condition of the dispute resolution between Tele Circuit and AT&T is that Tele Circuit must migrate its end-users off of the AT&T network by December 31, 2019. It appears to staff that Tele Circuit plans to migrate all of its Lifeline customers to the non-compliant wireless technology, as Tele Circuit does not have any pending request to interconnect with a different wireline carrier in AT&T's service territory. Therefore, it appears that Tele Circuit's intentional non-compliance will only be exacerbated in 2020, and potentially in perpetuity thereafter unless the Commission or USAC take action.

Further, Tele Circuit's ETC designation was granted by this Commission as being in the public interest, and upon a showing that the Company was committed to abide by both state and federal rules and procedures.<sup>31</sup> In light of the FCC's NAL, staff believes that it is no longer in the public interest for Tele Circuit to keep its ETC designation. In fact, staff believes it would be in the public interest to revoke Tele Circuit's ETC designation, since this would be one less avenue for the company to use to prey on low-income and elderly customers.

### Conclusion

It appears that Tele Circuit is intentionally providing Lifeline customers with wireless technology, in direct violation of its ETC Order. Tele Circuit also appears to be intentionally engaging in deceptive, and in some instances dangerous, business activity, which is contrary to the public interest. Accordingly, staff recommends that the Commission order Tele Circuit to show cause, in writing, within 21 days from the issuance of the order, why its ETC designation should not be revoked for apparent violation of Commission Order No. PSC-11-0419-PAA-TX, due to use of non-compliant wireless technology for its Lifeline customers, and because it is no longer in the public interest for Tele Circuit to be designated as an ETC.

Staff recommends that the order incorporate the following conditions:

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<sup>31</sup> See ETC Order, page 7.

1. This Show Cause Order is an administrative complaint by the Florida Public Service Commission, as petitioner, against Tele Circuit Network Corporation, as respondent.
2. Tele Circuit shall respond to the Show Cause Order within 21 days of service on the Company, and the response shall reference Docket No. 20190193-TX, Initiation of show cause proceeding against Tele Circuit Network Corporation for apparent violation of Order Nos. PSC-05-0361-PAA-TX and PSC-11-0419-PAA-TX.
3. Tele Circuit has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.
4. Requests for hearing shall comply with Rule 28-106.2015, F.A.C.
5. Tele Circuit's response to the show cause order shall identify those material facts that are in dispute. If there are none, the petition must so indicate.
6. If Tele Circuit files a timely written response and makes a request for a hearing pursuant to Sections 120.569 and 120.57, F.S., a further proceeding will be scheduled before a final determination of this matter is made.
7. A failure to file a timely written response to the Show Cause Order will constitute an admission of the facts alleged herein, and a waiver of the right to a hearing on this issue.
8. If Tele Circuit fails to file a timely response, then staff will contact USAC and obtain the names and addresses of the Company's current Lifeline customers in Florida. Staff will send a letter to the Lifeline customers that explains which carriers remain authorized to provide the Lifeline discount in their area.

In the event that Tele Circuit fails to file a timely response to the Show Cause Order, the Company's ETC status will be deemed revoked, and a final order would be issued. Any customers who wish to continue to receive the Lifeline discount would have to find a new carrier that is designated as either a wireline or wireless ETC.<sup>32</sup>

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<sup>32</sup> There are up to 5 wireless ETCs and 2 wireline ETCs that could provide the Lifeline discount to Tele Circuit's current customers, depending on the geographic location of the customer.

**Issue 2:** Should Tele Circuit Network Corporation be ordered to show cause, in writing, within 21 days from the issuance of the order, why its Competitive Local Exchange Certificate, No. 8573, should not be revoked for apparent violation of Commission Order No. PSC-05-0361-PAA-TX, for insufficient managerial capability to provide Competitive Local Exchange Certificate service in Florida?

**Recommendation:** Yes. Tele Circuit Network Corporation should be ordered to show cause, in writing, within 21 days from the issuance of the order, why its Competitive Local Exchange Certificate, No. 8573, should not be revoked for apparent violation of Commission Order No. PSC-05-0361-PAA-TX, for insufficient managerial capability to provide Competitive Local Exchange Certificate service in Florida. (Dziechciarz, Fogleman, Wendel)

**Staff Analysis:**

Law

Tele Circuit's CLEC application was granted upon a showing that the company had "sufficient technical, financial, and managerial capability to provide such [CLEC] service," pursuant to Section 364.335(2), F.S.<sup>33</sup> Section 364.335(2), F.S., provides that:

The [C]ommission shall grant a certificate of authority to provide telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. The applicant shall ensure continued compliance with applicable business formation, registration, and taxation provisions of law.

Pursuant to Section 364.285(1), F.S., the Commission may impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each such day a violation continues, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364, F.S. Each day a violation continues is treated as a separate offense. Each penalty is a lien upon the real and personal property of the entity and is enforceable by the Commission as a statutory lien.

As an alternative to the above monetary penalties, Section 364.285(1), F.S., provides that the Commission may amend, suspend, or revoke any certificate issued by the Commission for any such violation. Part of the determination the Commission must make in evaluating whether and how to penalize a company is whether the company willfully violated the order, rule, or statute. Section 364.285(1), F.S., does not define what it is to "willfully violate" an order, rule, or statute. Willfulness is a question of fact.<sup>34</sup> The plain meaning of "willful" typically applied by the Courts in the absence of a statutory definition, is an act or omission that is done "voluntarily and intentionally" with specific intent and "purpose to violate or disregard the requirements of the law."<sup>35</sup>

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<sup>33</sup> See CLEC Order, page 1.

<sup>34</sup> *Fugate v. Fla. Elections Comm'n*, 924 So. 2d 74, 75 (Fla. 1st DCA 3006), citing, *Metro. Dade County v. State Dep't of Envtl. Prot.*, 714 So. 2d 512, 517 (Fla. 3d DCA 1998).

<sup>35</sup> *Id.* at 76.

“It is a common maxim, familiar to all minds that ‘ignorance of the law’ will not excuse any person, either civilly or criminally.”<sup>36</sup> In making similar decisions, the Commission has repeatedly held that certificated companies are charged with the knowledge of the Commission’s orders, rules, and statutes, and that the intent of Section 364.285(1) is to penalize those who affirmatively act in opposition to those orders, rules, or statutes.<sup>37</sup> In other words, a company cannot excuse its violation because it “did not know.”

In recommending a monetary penalty or a form of certificate suspension or revocation, staff reviews prior Commission orders. While Section 364.285(1), F.S., treats each day of each violation as a separate offense with penalties of up to \$25,000 per offense, staff believes that the general purpose of imposing monetary penalties is to obtain compliance with the Commission’s orders, rules, or statutes. If a company has a pattern of noncompliance with an order, rule, or statute, or in particular if the violation of an order, rule, or statute adversely impacts the public health, safety, or welfare, then staff believes that a monetary penalty may not be appropriate or suffice to address the situation. In such a case, staff believes that the sanction should be the most severe. In this docket, staff’s informal investigation revealed that Tele Circuit appears to be using non-compliant wireless technology to claim reimbursement for its Lifeline customers, that it is no longer in the public interest for Tele Circuit to be designated as an ETC, and that Tele Circuit no longer possesses sufficient managerial capabilities to provide CLEC service in Florida; therefore, staff is recommending the most severe penalty which is revocation of Tele Circuit’s CLEC Certificate.

#### Factual Allegations

As indicated in the Case Background, Tele Circuit does not appear to possess sufficient managerial capability to provide CLEC service to customers in the state of Florida. Throughout the course of staff’s informal investigation, Tele Circuit was unable to provide clear, consistent, and accurate responses to staff’s data requests.<sup>38</sup> Tele Circuit appears to believe it is in compliance with its ETC Order by utilizing wireless technology, even though its ETC designation is for wireline only.<sup>39</sup> Staff also notes that the company has an “F” rating on the Better Business Bureau website, and continues to receive complaints of slamming, cramming, and other misleading and deceptive marketing practices.<sup>40</sup>

Additionally, staff believes that the allegations set forth in the FCC’s NAL are of such a serious nature as to question Tele Circuit’s managerial capabilities. As indicated in the Case Background, the allegations against Tele Circuit are egregious. Multiple complainants expressed anger and frustration against the Company for misleading and defrauding a particularly vulnerable portion of the population – those who are elderly and in need of low-income

<sup>36</sup> *Barlow v. United States*, 32 U.S. 404, 411 (1833).

<sup>37</sup> See Order No. PSC-15-0391-SC-TX, issued on November 10, 2015, in Docket No. 20150158-TX, *In re: Initiation of show cause proceedings against Sun-Tel USA, Inc. for apparent violation of Section 364.335(2), F.S., (Application for Certificate of Authority), Section 364.183(1), F.S., (Access to Company Records), Rule 25-4.0665(20), F.A.C., (Lifeline Service), and Rule 25-4.0051, F.A.C., (Current Certificate Holder Information)*.

<sup>38</sup> See Attachments A, B, D, E, G, I-K.

<sup>39</sup> See Attachment B.

<sup>40</sup> See BBB, Complaints, *Tele Circuit Network*, <https://www.bbb.org/us/ga/duluth/profile/telephone-system-dealers/telecircuit-network-0443-17001143>.

assistance. Further, the FCC found that Tele Circuit not only apparently willfully and repeatedly violated FCC rules related to slamming and cramming, but also fabricated evidence in an attempt to prove Tele Circuit's compliance with the FCC's rules.<sup>41</sup> These edited tapes have been played for some complainants, who stated that either the recording was not their voice, or the questions being asked were not the same as the original phone call. During the course of the FCC's investigation, Tele Circuit issued general denials of wrongdoing, but did not attempt to refute specific allegations made by consumers, nor did the Company specifically refute the allegations of evidence fabrication. Staff believes that Tele Circuit's apparent willingness to fabricate third party verification tapes, or at best its ambivalence toward such a charge, shows not only a lack of managerial capability to halt employee misconduct, but also suggests that Tele Circuit management may be engaged in willfully deceiving customers and regulators as a method of profit-seeking.

### Conclusion

For the foregoing reasons, staff believes that Tele Circuit no longer possesses the managerial capability to ensure that the Company will conduct business in a manner compliant with federal and state orders, rules, and statutes, and is therefore in violation of its CLEC Order. Accordingly, staff recommends that the Commission order Tele Circuit to show cause, in writing, within 21 days from the issuance of the order, why its Competitive Local Exchange Certificate, No. 8573, should not be revoked for apparent violation of Commission Order No. PSC-05-0361-PAA-TX, for insufficient managerial capability to provide CLEC service in Florida.

Staff recommends that the order incorporate the following conditions:

1. This Show Cause Order is an administrative complaint by the Florida Public Service Commission, as petitioner, against Tele Circuit Network Corporation, as respondent.
2. Tele Circuit shall respond to the Show Cause Order within 21 days of service on the Company, and the response shall reference Docket No. 20190193-TX, Initiation of show cause proceeding against Tele Circuit Network Corporation for apparent violation of Order Nos. PSC-05-0361-PAA-TX and PSC-11-0419-PAA-TX.
3. Tele Circuit has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.
4. Requests for hearing shall comply with Rule 28-106.2015, F.A.C.
5. Tele Circuit's response to the show cause order shall identify those material facts that are in dispute. If there are none, the petition must so indicate.
6. If Tele Circuit files a timely written response and makes a request for a hearing pursuant to Sections 120.569 and 120.57, F.S., a further proceeding will be scheduled before a final determination of this matter is made.

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<sup>41</sup> See FCC WC Docket No. 18-54, <https://docs.fcc.gov/public/attachments/FCC-18-54A1.pdf>, page 1.

7. A failure to file a timely written response to the Show Cause Order will constitute an admission of the facts alleged herein, and a waiver of the right to a hearing on this issue.

In the event that Tele Circuit fails to file a timely response to the Show Cause Order, the Company's CLEC Certificate, No. 8573, would be deemed revoked, and a final order would be issued. Tele Circuit would be required to pay any outstanding Regulatory Assessment Fees pursuant to Rule 25-4.0161, F.A.C.<sup>42</sup> Any current wireline customers of Tele Circuit would have to find a new wireline service provider, or switch to wireless service.

---

<sup>42</sup> Pursuant to Chapter 11 U.S. Code §362(a), the filing of a petition for Chapter 11 bankruptcy relief acts as an automatic stay that enjoins a governmental entity from exercising its regulatory authority to collect a pre-petition debt. However, staff notes that Tele Circuit filed for Chapter 11 bankruptcy on June 28, 2018, and is current on its payment of Regulatory Assessment Fees to date. Therefore, any new Regulatory Assessment Fees incurred would be classified as post-petition debt, and thus collectible by the Commission.

**Issue 3:** Should this docket be closed?

**Recommendation:** If the Commission orders Tele Circuit to show cause as to Issues 1 and/or 2, and Tele Circuit timely responds in writing to the Show Cause Order, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Tele Circuit to show cause as to Issues 1 and/or 2, and Tele Circuit does not timely respond to the Show Cause Order, then the Commission should issue a Final Order, and this docket should be closed after the time for filing an appeal has run. If the Commission does not order Tele Circuit to show cause as to Issues 1 and 2, then this docket should be closed. (Dziechciarz)

**Staff Analysis:** If the Commission orders Tele Circuit to show cause as to Issues 1 and/or 2, and Tele Circuit timely responds in writing to the Show Cause Order, this docket should remain open to allow for the appropriate processing of the response. If the Commission orders Tele Circuit to show cause as to Issues 1 and/or 2, and Tele Circuit does not timely respond to the Show Cause Order, then the Commission should issue a Final Order, and this docket should be closed after the time for filing an appeal has run. If the Commission does not order Tele Circuit to show cause as to Issues 1 and 2, then this docket should be closed.

**2018 Competitive Local Exchange Carrier (CLEC) Questionnaire**  
(Due by April 15, 2019)<sup>14</sup>

TX836

CERTIFIED NO. 70060100000311006656

Tele Circuit Network Corporation

Contact name & title: ASHAR SYED

Telephone number: 1877 835 3247

E-mail address: ashar@telecircuit.com

Stock Symbol (if company is publicly traded): \_\_\_\_\_

**Questions About Your Company**

1. Please provide a copy of the Form 477 you filed with the FCC with data as of **December 31, 2018**.

ATTACHED

2. Are you currently operating under Chapter 7 or Chapter 11 bankruptcy protection?

Yes (Chapter 7) \_\_\_\_\_ Yes (Chapter 11)  No \_\_\_\_\_

3. What services, other than local service, does your company currently provide in Florida? Please check all that apply.

- |   |  |
|---|--|
| <input type="checkbox"/> Private line/special access      | <input type="checkbox"/> Wholesale loops                     |
| <input type="checkbox"/> VoIP                             | <input type="checkbox"/> Fiber or copper based video service |
| <input type="checkbox"/> Wholesale transport              | <input type="checkbox"/> Cable television                    |
| <input checked="" type="checkbox"/> Interexchange service | <input type="checkbox"/> Satellite television                |
| <input type="checkbox"/> Cellular/wireless service        | <input type="checkbox"/> Broadband Internet access           |
| <input type="checkbox"/> Other                            |  |

4. What percentage of your Florida residential and business customers purchase bundled offerings (i.e. voice service packaged with additional services such as internet or video service)? Please provide the percentage below. Do not include bundles of telecom-only services.

Residential \_\_\_\_\_ Business \_\_\_\_\_ Not applicable

5. Does your company currently publicly publish your service and price schedules for services offered in Florida at a location other than the Florida Public Service Commission? If yes, please indicate where and include the complete address or hyperlink if on a webpage. (Chapter 364.04, F.S.)

Yes \_\_\_\_\_ If yes, where? \_\_\_\_\_ No

6. Have you experienced any significant barriers in entering Florida's local exchange markets? Please describe any major barriers encountered that may be impeding the growth of local competition in the state, along with any suggestions as to how to remove such obstacles. Any additional general information is welcome.

Please use additional paper if needed.

N/A

<sup>14</sup> The due date is established by Section 364.386(1)(b), Florida Statutes. Failure to comply with this rule may result in the Commission assessing penalties of up to \$25,000 per offense, with each day of noncompliance constituting a separate offense per Section 364.285(1), Florida Statutes.



**(RETAIN FOR YOUR RECORDS)**  
**Form 477 Filing Summary**

FRN: 008800890 Date as of: Dec 31, 2018 Operations: Non-ILEC Submission Status: Original - Submitted Last Updated: Mar 12, 2019 09:27:59

Filer Identification	Section	Question	Response
	Filer Information	Provider Name	Telo Circuit Network Corporation
		Holding Company Name	Telo Circuit Network Corporation
		SAC ID	
		499 ID	823216
	Data Contact Information	Data Contact Name	Kenny Perkins
		Data Contact Phone Number	(678) 436-5590
		Data Contact E-mail	tcnc@tcteam.net
	Emergency Operations Contact Information	Emergency Operations Name	Asher Syed
		Emergency Operations Phone Number	(678) 818-1168
		Emergency Operations E-mail	asher@telocircuit.com
	Certifying Official Contact Information	Certifying Official Name	asher Syed
		Certifying Official Phone Number	(678) 818-1168
Certifying Official E-mail		asher@telocircuit.com	

Data Submitted	Form Section	File Name	Date & Time	Number of Rows
	Fixed Voice Subscription	477Output1.csv	Mar 12, 2019 09:21:18	2338

Fixed Voice Subscription	VGE Lines and VoIP Subscriptions by State and End-user Type				
	State	Total VGE Lines	Consumer VGE Lines	Total VoIP Subscriptions	Consumer VoIP Subscriptions
	Alabama	645	645	0	0
	District of Columbia	1	1	0	0
	Florida	300	300	0	0
	Georgia	932	932	0	0
	Kentucky	1	1	0	0
	North Carolina	440	440	0	0
	South Carolina	970	970	0	0

State	Total VGE Lines	Consumer VGE Lines	Total VoIP Subscriptions	Consumer VoIP Subscriptions
Tennessee	806	806	0	0
Texas	346	346	0	0
Virginia	2	2	0	0
Total	4443	4443	0	0

**Fixed Voice  
 Subscription  
 (VGE Lines)**

**VGE Lines Provided to Unaffiliated Providers by State**

State	Wholesale	UNE-L
Alabama		0
District of Columbia		0
Florida		0
Georgia		0
Kentucky		0
North Carolina		0
South Carolina		0
Tennessee		0
Texas		0
Virginia		0
Total		0

**VGE Lines Provided to End Users by State, Bundle and Product Type**

State	by Bundle			by Product Type			
	Total	Sold w/ Internet	Sold w/o Internet	Consumer		Bus-Govt	
				& No PIC	& PIC	& No PIC	& PIC
Alabama	645	0	645	645	0	0	0
District of Columbia	1	0	1	1	0	0	0
Florida	300	0	300	300	0	0	0
Georgia	932	0	932	932	0	0	0
Kentucky	1	0	1	1	0	0	0
North Carolina	440	0	440	440	0	0	0
South Carolina	970	0	970	970	0	0	0
Tennessee	806	0	806	806	0	0	0
Texas	346	0	346	346	0	0	0
Virginia	2	0	2	2	0	0	0
Total	4443	0	4443	4443	0	0	0

VGE Lines Provided to End Users by State, Ownership and Last-mile Medium

State	Total	by Ownership			by Last-mile Medium			
		Owned	UNE-L	Resale	FTTP	Coax	Fixed Wireless	Copper
Alabama	645	0	0	645	645	0	0	0
District of Columbia	1	0	0	1	1	0	0	0
Florida	300	0	0	300	300	0	0	0
Georgia	932	0	0	932	932	0	0	0
Kentucky	1	0	0	1	1	0	0	0
North Carolina	440	0	0	440	440	0	0	0
South Carolina	970	0	0	970	970	0	0	0
Tennessee	808	0	0	808	808	0	0	0
Texas	346	0	0	346	346	0	0	0
Virginia	2	0	0	2	2	0	0	0
Total	4443	0	0	4443	4443	0	0	0

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF  
INDUSTRY DEVELOPMENT &  
MARKET ANALYSIS  
CAYCE HINTON  
DIRECTOR  
(850) 413-7160

## Public Service Commission

February 22, 2019

CERTIFIED MAIL #7006010000311006656

TX836  
Tele Circuit Network Corporation  
Mr. Ashar Syd  
P. O. Box 958283  
Duluth, GA 30095-9539

Re: Year 2019 Local Competition Report Data Request

**Data as of December 31, 2018**

**Responses Due by April 15, 2019**

Dear Mr. Syd:

Section 364.386, Florida Statutes, requires the Commission to gather data from the telecommunications industry to prepare its annual report to the Florida Legislature on telecommunications competition. The attached data request will help us evaluate the status of local competition in Florida. Please note that the bulk of the request now simply requires the submission of a copy of your company's Form 477 with the most current calendar year data as submitted to the FCC by March 1, 2019.

Please respond to the attached data request concurrently with your filing at the FCC, or as soon thereafter as practicable, but in no event later than April 15, 2019, as required by statute. If you were not providing local service as of December 31, 2018, you may check the box form attached and submit the form.

Responses for which you are claiming confidentiality must be filed with the Office of Commission Clerk together with a statement that you are making a confidentiality claim. Instructions for filing the information confidentially are posted on the Commission website. All non-confidential responses may be sent via e-mail to [compreport@psc.state.fl.us](mailto:compreport@psc.state.fl.us), by facsimile to (850) 413-6392, or by mail to the attention of Jeff Bates.

We appreciate your cooperation in filing your responses correctly and in a timely manner. If you have questions of a general nature, or concerning the questionnaire and returning your response, please contact Mark Long (850-413-6101; [mlong@psc.state.fl.us](mailto:mlong@psc.state.fl.us)), Jeff Bates (850-413-6538; [jbates@psc.state.fl.us](mailto:jbates@psc.state.fl.us)), or Eric Wooten (850-413-6546; [ewooten@psc.state.fl.us](mailto:ewooten@psc.state.fl.us)).

Sincerely,

A handwritten signature in cursive script that reads "Cayce Hinton".

Cayce Hinton  
Director

Attachments

Report Website: <http://www.floridapsc.com/Telecommunication>

Report E-mail: [compreport@psc.state.fl.us](mailto:compreport@psc.state.fl.us)

COMMISSIONERS:  
ART GRAHAM, CHAIRMAN  
JULIE I. BROWN  
DONALD J. POLMANN  
GARY F. CLARK  
ANDREW GILES FAY

STATE OF FLORIDA



OFFICE OF  
INDUSTRY DEVELOPMENT &  
MARKET ANALYSIS  
CAYCE HINTON  
DIRECTOR  
(850)413-7160

## Public Service Commission

February 22, 2019

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Sincerely,

A handwritten signature in cursive script that reads "Cayce Hinton".

Cayce Hinton  
Director

Attachments

Report Website: <http://www.floridapsc.com/Telecommunication>

Report E-mail: [compreport@psc.state.fl.us](mailto:compreport@psc.state.fl.us)

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Thursday, June 20, 2019 12:42 PM  
**To:** Brandon Wendel; 'Ashar@telecircuit.com'  
**Cc:** Greg Fogleman; Patricia  
**Subject:** RE: FPSC Data Request

Good Afternoon Mr Brandon,

I am sending you the details regarding Wireless and Wire-line Life Line customers in Florida.

**As we have only one customer Enrolled for Life Line Discount in Florida With Wireless Home Phone.**

**In May 2019, we claimed reimbursement for 34 customers, out of which only one was with wireless home phone (Sprint and Verizon Wireless).**

**Name:** [REDACTED]

**Phone #:** [REDACTED]

**State : Florida**

**Zip Code: 32641**

**In April 2019, we claimed reimbursement for 33 customers and they all had wire-line home phone service (AT&T Florida, Century-Link, or Frontier Florida).**

You can also find the details of all these customers in the files attached with the last email.

I hope this time answered your question and provided the correct information. In case if still your department needs any information , you can contact me.

**Regards,**

**Nosheen Altaf**  
**Manager**  
**Chat, Agent Support & Life Line Dept**  
Tele Circuit Network Corp  
Tel :8778353262  
Fax: (877)835-3788  
[naltaf@telecircuit.com](mailto:naltaf@telecircuit.com)

ID Number:	1915	Received From:	Consumer Assistance (CAO)
<input checked="" type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Consumer Contact	Enter CATS Number (if applicable)	1308340C
Date Received	5/16/2019	Received By:	Greg Fogleman
Name of Requestor:	[REDACTED]		
Company Complaint is Against: (if applicable)	Tele Circuit Network Corp		
Subject:	Lifeline	Assigned To:	Brandon Wendel
Description:	Customer called company to inquire about landline Lifeline service. Was told the company only offers Lifeline discounts for wireless service now.		
Action Taken: (enter date and action)	05/21/2019 Emailed Company, awaiting phone call to discuss the issue 05/21/2019 Response received, beginning investigation on the technology being provided to Tele Circuit Lifeline customers. 05/22/2019 Response received, wireless technology being offered to new customers as a result of an AT&T dispute, furthering investigation.		
Date Completed:	[REDACTED]		

Docket No. 20190193-TX  
Date: October 24, 2019

Attachment D

**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Tuesday, May 21, 2019 10:48 AM  
**To:** Brandon Wendel  
**Subject:** RE: Florida Customer Lifeline Complaint

Good Morning Brandon,

Telecircuit is providing the Life Line discount in Florida. But right now due to some technical issue we are not able to provide new land line service / new home phone order . I guess the call you received was regarding a new home phone connection along with

the Life Line Discount . If customer is willing to go with new wireless home phone then we can give her life line discount after verifying the eligibility.

Thank you.

**Nosheen Altaf**  
**Manager**

**Chat, Agent Support & Life Line Dept**

Tele Circuit Network Corp  
Tel :8778353262  
Fax: (877)835-3788  
[naltaf@telecircuit.com](mailto:naltaf@telecircuit.com)

**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Monday, June 17, 2019 5:20 PM  
**To:** Brandon Wendel  
**Subject:** RE: Florida Customer Lifeline Complaint

Hi Mr Brandon,

I am sorry for sending reply little late. As i wanted to make sure to have complete and correct information. You can check the answers of questions asked, below.

**1. When did Tele Circuit begin offering its wireless home phone-hub service for its Lifeline customers in Florida? What was the reason you began offering the service?**

\*We started on April 2019.

**2. Is Tele Circuit still reselling landline telecommunications service for Lifeline from AT&T Florida, CenturyLink and Frontier Florida (formerly Verizon Florida)? If no, please explain why not.**

\*At this time we are not selling landline service in Florida for new customers, because we have a dispute with AT&T due to overcharges in our billing.

**3. It is our understanding that you no longer offer the Verizon wireless phone-hub. Have your Lifeline customers, who were using the Verizon wireless phone-hub, had to switch to the Sprint wireless phone-hub option, or are they still able to receive service?**

\*We are still offering Verizon wireless phone-hub in Florida. Our customers are still able to receive service through Verizon wireless phone-hub.

**4. Does Tele-Circuit plan to continue providing wire-line service to its Lifeline customers in Florida? If no, please explain why not. Additionally, please explain any barriers that you are facing in offering wire-line based service in Florida.**

\*Yes, we will continue providing wire-line service to its Lifeline customers in Florida. We are working with AT&T to fix our billing issues.

**5. In Florida, have you, or do you anticipate requiring your existing wire-line Lifeline customers to transition to your wireless home phone-hub service?**

\* Not, we did not.

Docket No. 20190193-TX  
Date: October 24, 2019

Attachment E

**6. What percentage of your Lifeline customers currently use the wireless home phone-hub technology versus your traditional wire-line service in Florida?**

\* This is the 32%

Please do let me know if you want to know anything else.

Thanks,

**Nosheen Altaf**  
**Manager**  
**Chat, Agent Support & Life Line Dept**  
Tele Circuit Network Corp  
Tel : 8778353262  
Fax: (877)835-3788  
[naltaf@telecircuit.com](mailto:naltaf@telecircuit.com)



**User Manual**  
Follow these steps to activate your Verizon device

**STEP 1**  
 Align and screw the antenna with the antenna port on the device as illustrated.

**STEP 2**  
 Insert the power adapter into the DC 5V power port.

**STEP 3**  
 Unplug your telephone from wall jack.

**STEP 4**  
 Plug one end of your telephone's cord and one into the telephone ports.

**STEP 5**  
 Press the Button to Power on the device and power indicator will be blue.

**Services We Offer**

- ✔ Unlimited Local and Long Distance Calls
- ✔ Voice Mail, 3 Way calling, Call forwarding, Call waiting.
- ✔ Free 911 calls

**About Us**

TeleCircuit is a telecommunications company that takes great pride in its innovative Home Phone and long distance services. Like other industry leaders, TeleCircuit delivers high-quality calling solutions to private consumers, including small & medium enterprises. We strive to provide our customers with excellent quality, low rates and outstanding customer service in the telecommunications industry. We are a certified provider of Home Phone & Long Distance and Wireless services. This is TeleCircuit promise, quality, commitment and excellence in service.

+1-877-835-3247  
cs@telecircuit.com

1815 Satellite Blvd Suite 504  
Duluth, GA, 30097



**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Wednesday, May 22, 2019 5:01 PM  
**To:** Brandon Wendel  
**Cc:** Greg Fogleman; Patricia  
**Subject:** RE: Florida Customer Lifeline Complaint

Hi Mr Brandon,

Yes i am ready to answer your questions.

**Q1:** Would you be able to provide me with the name of the company that makes the phone and the model that you are offering your customers as a "Wireless land line?"

**Answer:** We are offering two types of devices.

**Type 1:**

**Make:** Huawei  
**Service Provider:** Sprint  
**Model:** HUAF255SPC

**Type 2:**

**Make:** Huawei  
**Service Provider:** Verizon  
**Model:** F256VW (Stopped providing this model anymore)

**Q2:** Does Tele Circuit have a copy of the owner's manual or instructions for setting up the phone given to customers?

**Answer:** Manuals for both devices and an image of Flyer we send to customers are attached with mail.

**Q3:** Additionally, you mentioned that you spoke to USAC and they told you Tele Circuit could offer customers receiving this phone the Lifeline discount. Do you

have this in writing? Could you also provide the name of the individual you spoke with at USAC?

**Answer:** Sorry it was a Telephonic Discussion and have nothing in writing along with that i don't remember the name of representative as i called on the Customer Services of UCAS. But in future i will make sure to note down the name of each representative i talked to and will surely ask them to send me an email regarding what they have guided / information provided.

Still if you have any question feel free to contact me.

Regards,

**Nosheen Altaf**  
Manager

Chat, Agent Support & Life Line Dept

Tele Circuit Network Corp  
Tel :8778353262  
Fax: (877)835-3788  
[naltaf@telecircuit.com](mailto:naltaf@telecircuit.com)

**Error! Reference source not found.**  
Date: October 24, 2019

Attachment H



**TeleCircuit Network Corporation**  
**1815 Satellite Blvd, Suite 504**  
**Duluth, GA 30097**

Date: 7/19/2019

Dear Valued Customer,

It has been a pleasure to serve you in the past, and we look forward to doing business with you in the future.

This letter is to inform you that as usual Tele Circuit is committed to provide best services to all valued customers. We are working to improve our voice networks using new carriers with latest technologies, very soon you will be receiving call from us with more detail information about change in underlying carrier without interruption in your phone service. We need your cooperation to achieve this milestone and assure you this change will be very smooth. Our goal is to provide you best service using the latest technology with amazing features and affordable rates. We are confident that this change will better accommodate your needs in a better way giving you ease in communication.

We sincerely value your business! If you have any questions regarding this change, please contact our office by calling 877-835-3247 or emailing [care@telecircuit.com](mailto:care@telecircuit.com), or visit our web site [www.telecircuit.com](http://www.telecircuit.com)

Sincerely,

Tele Circuit Management

Docket No. 20190193-TX  
Date: October 24, 2019

Attachment I

**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Friday, August 09, 2019 11:11 AM  
**To:** Brandon Wendel  
**Subject:** RE: AT&T Dispute

Hi Mr Brandon

I am so sorry for the late reply . Yes Tele-Circuit Network Corp has solved the dispute with AT&T. Now we are providing the Land Line services in Florida . As legal departments of Tele-circuit and AT&T find out the solution of this problem.

If you have any more questions you can contact me .

Thanks,

Nosheen Altaf.

Docket No. 20190193-TX  
Date: October 24, 2019

Attachment J

**From:** [naltaf@telecircuit.com](mailto:naltaf@telecircuit.com) [<mailto:naltaf@telecircuit.com>]  
**Sent:** Friday, August 23, 2019 11:42 AM  
**To:** Brandon Wendel  
**Cc:** Greg Fogleman  
**Subject:** RE: AT&T Dispute

Hi Mr. Brandon,

Still there is an ongoing negotiations between AT&T and Tele-circuit Network Corp and don't have any proper documentations for that. But yes we are providing the new home phones in Florida state. No more issue on that.

Hope answered your question. If you have any more concerns you can contact me back.

Thanks,

Nosheen .

**OFFICE OF**

**COMMISSIONERS: ART GRAHAM, CHAIRMAN INDUSTRY DEVELOPMENT & JULIE I. BROWN MARKET ANALYSIS DONALD J. POLMANN CAYCE HINTON GARY F. CLARK DIRECTOR ANDREW GILES FAY (850) 413-7160 Public Service Commission July 15, 2019**

Via Certified Mail

No.70053110000288063439 TX836 Tele Circuit Network Corp Mr. Ashar Syed CEO PO Box 958283

Duluth, GA 30095-9539

Re: 2019 Lifeline Report Data Request Dear Mr. Syed:

Section 364.10, Florida Statutes, requires the Florida Public Service Commission to publish an annual report on the number of customers subscribing to Lifeline service and the effectiveness of procedures to promote participation. The Commission is required to submit this report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31 each year. To assist the Commission in the development of the 2019 Report, we request that

you provide responses to the attached data request by August 15, 2019.

Your company may avail itself of the confidentiality provisions set forth in Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, if it believes it is necessary to comply with this data request. We ask that you refrain from requesting confidential treatment of your June 2018 Lifeline and Transitional Lifeline participants in Florida, as this data has been traditionally included in this report. Your comprehensive and timely response is vital to the Commission's effort to fulfill this statutory requirement. Please send your responses to the Office of Commission Clerk at the address shown below, and request your responses be placed in the undocketed file. If you have any questions, you can contact Sakdna Deas at (850) 413-6504 or Brandon Wendel at (850) 413-6928.

• Sincerely, .

Cayce Hinton Director

**CAPITAL CIRCLE OFFICE CENTER @ 2540 SHUMARD OAK BOULEVARD @ TALLAHASSEE, FL 32399-0850 An Affirmative Action / Equal Opportunity Employer PSC Website: <http://www.floridapsc.com> Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us) CLEC AND WIRELESS LIFELINE DATA REQUEST 2019**

To assist the Florida Public Service Commission in the development of our Annual Report to the Governor, President of the Senate, and Speaker of the House of Representatives on the Lifeline program as required by Chapter 364.10, Florida Statutes, staff requests that you provide responses to the following questions by August 15, 2019. Your responses should include your company name, contact person, and email address.

For items 1 through 16, please provide the data for the fiscal year July 1, 2018, through June 30, 2019.

For those items requesting the data be reported on a monthly basis, provide the appropriate number as of the last day of each month during the review period.

**1. The number of residential access lines in service each month.**

July 2018:	180
August 2018:	180
September 2018:	32
October 2018:	33
November 2018:	33
December 2018:	32
January 2019:	21
February 2019:	29
March 2019:	33
April 2019:	34
May 2019:	35
June 2019:	37

**2. The number of customers participating in Lifeline each month. Note: Do not include customers receiving Lifeline through the Transitional Lifeline provision.**

July 2018:	180
August 2018:	180
September 2018:	32
October 2018:	33
November 2018:	33
December 2018:	32
January 2019:	21
February 2019:	29
March 2019:	33

April 2019: 34  
May 2019: 35  
June 2019: 37

**3. The amount of Lifeline credit per line provided to Lifeline customers on their monthly bill.**

3. \$9.25

**4. The number of customers denied Lifeline service. Identify the reason(s) customers were denied Lifeline (i.e. customer currently receiving Lifeline, inability to verify participation in a qualifying program, past due balance, other reasons not listed).**

- Customer switched the services to other network
- Customer were using a free phone by Government
- Customer was no more getting Government Assistance

**5. The number of Lifeline customers added each month. Note: Do not include customers receiving Lifeline through the Transitional Lifeline provision.**

July 2018: 0  
August 2018: 0  
September 2018: 0  
October 2018: 01  
November 2018: 0  
December 2018: 0  
January 2019: 0  
February 2019: 08  
March 2019: 04  
April 2019: 01  
May 2019: 01

June 2019: 02

**6. The number of customers removed from Lifeline each month. Note: Do not include Lifeline customers moved to Transitional Lifeline.**

July 2018:	21
August 2018:	0
September 2018:	148
October 2018:	0
November 2018:	0
December 2018:	1
January 2019:	11
February 2019:	0
March 2019:	0
April 2019:	0
May 2019:	0
June 2019:	0

**7. In accordance with Section 364.105, Florida Statutes, are you offering Transitional Lifeline service? If yes, what is the number of customers participating per month and what are your advertising efforts for Transitional Lifeline service?**

7. Yes, Right now we have 4 customers getting transitional discounts. We advertise transitional discount by calling all customer those were getting Government Assistance and no more getting that.

**8. The number of customers participating in Lifeline under the Tribal Lands provision each month.**

8. N/A

**9. Describe the amount of time required to process applications. Include time period between receipt of customer application and the billing date of the first bill providing the credit.**

**9. 1 TO 15 Days, as soon as receive proof from the customer and reply from NLAD.**

**10. Description of your company's procedures for Lifeline. Include the following in your response:**

- a. Internal procedures for promoting Lifeline. **(YES)**
- b. Outreach and educational efforts involving participation in community events. **(NO)**
- c. Outreach and educational efforts involving mass media (newspaper, radio, television). **(NO)**
- d. Copies of Lifeline outreach materials of your company. Any links on your company Web site that provides Lifeline information. **( Tele circuit Network Corp Website)**
- f. Organizations you are currently partnering with, have partnered with, and organizations you plan to partner with to educate and inform customers about Lifeline. CLEC and WIRELESS Lifeline Data Request 2019 July 15, 2019 **(AT&T, Sprint & Verizon)**

**11. Did your company provide Lifeline services using resale Lifeline lines obtained from an underlying carrier? If yes, identify the underlying carrier and the number of resale Lifeline lines obtained each month.**

11. No.

**12. To the extent you have experienced a decline in Lifeline customers since last year, please list and describe any issues that may have contributed to the decline. Any additional general comments or information you believe will assist staff in evaluating and reporting Lifeline participation in Florida are welcome.**

12. Reasons are the following:

- Customer switched the services to other network
- Customer were using a free phone by Government
- Customer was no more getting Government Assistance

**13. Is your company currently providing Lifeline in any of the states where the National Verifier has been implemented? If yes, please identify any issues you have experienced utilizing the National Verifier.**

13. It takes maximum 3 business days to reply.

**14. Are you using the National Lifeline Application/Recertification forms in Florida?**

14. No.

**15. In the last year, has your company filed for any form of bankruptcy? If yes, please identify the chapter and the date filed.**

15. No

**16. Within the last two years, has your company been involved in any FCC enforcement actions? If yes, please provide the FCC docket number.**

16. No.