

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\*\*\*\*\*

In the matter, on the Commission's own motion, )  
for TITAN TELECOMMUNICATIONS, INC., )  
and Christopher Bucci, its president, to show cause )  
why they are not in violation of Section 505 of the )  
Michigan Telecommunications Act and the Commis- )  
sion's orders in Cases Nos. U-11900 and U-11917. )  
\_\_\_\_\_ )

Case No. U-12400

At the May 3, 2000 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. John G. Strand, Chairman  
Hon. David A. Svanda, Commissioner  
Hon. Robert B. Nelson, Commissioner

**ORDER TO SHOW CAUSE**

The Michigan Telecommunications Act (MTA), MCL 484.2101 et seq.; MSA 22.1469(101) et seq., prohibits a telecommunications provider from switching an end user to another provider without the authorization of the end user. The Commission issued a show cause order on February 26, 1999 in Case No. U-11917 requiring ACI Communications, Inc., (ACI) to show cause why the switches identified in the order were not in violation of the MTA and the Commission's September 23, 1998 order in Case No. U-11757.

ACI did not respond to the order. The Commission Staff (Staff) made numerous attempts to contact ACI. The Staff found that all of the telephone numbers that ACI had provided to the

Commission had been changed and then disconnected. From all indications, the company was out of business.

Because ACI did not respond to the show cause order, the Commission issued an order on April 30, 1999, which found that ACI was in violation of the February 26, 1999 order for failing to provide proof that the telecommunications provider switches identified in the order were processed in a manner consistent with the MTA and the procedures established in Case No. U-11757. The Commission imposed a fine of \$940,000 for the offenses, although it recognized that the company was apparently not in business any longer. Nevertheless, the Commission wanted to emphasize that slamming would not be tolerated in Michigan and that any company engaging in this type of activity would be subject to penalties under the MTA. The order also provided that ACI and “its directors, officers, principals, and agents shall not engage in the telecommunications business in the state of Michigan until the fine has been paid.” April 30, 1999 order, Case No. U-11917, p. 4.

The Commission now has reason to believe that the former president of ACI, a Mr. Christopher Bucci, has registered with the Commission a new company, Titan Telecommunications, Inc., (Titan) for the purpose of providing telecommunications service in Michigan, which would be a violation of the Commission’s order in Case No. U-11917 because the fine has not been paid. Titan’s compliance with the registration requirements of the January 10, 2000 order in Case No. U-11900 is also in question.

The procedures adopted in Case No. U-11900 include the following provisions on registration in Section 5:

(b) Contents of Registration. The registration shall contain the following information:

\* \* \*

(5) a verification that the service provider, its officers, and other principals have no prior history of committing fraud on the public.

\* \* \*

(d) Revocation or Suspension of Operating Authority. Following a contested case proceeding, the Commission may revoke or suspend the authorization or license, if such authorization or license exists, of any telecommunications carrier to provide service upon any of the following grounds:

- (1) the carrier fails to file the registration in accordance with subsection (a) of this Section or fails to reflect, within 30 days, any subsequent changes to its registration; or
- (2) the carrier provides materially false or incomplete information in the course of obtaining the registration required by subsection (a) of this Section; or
- (3) the carrier, any predecessor in interest, or any of its officers or other principals has failed to pay a forfeiture or fine imposed for violations of Section 505 of the Act, Section 258 of the [federal Telecommunications Act of 1996], these procedures, or an order issued under Section 505 of the Act; or
- (4) the carrier is found responsible by the Commission for any violations of these procedures, Section 505 of the Act, or Commission orders issued under Section 505 of the Act.

Exhibit A, January 10, 2000 order, Case No. U-11900, pp. 9-10.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.;

MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. There is reason to believe that Titan and Christopher Bucci, its president, have violated the MTA, the procedures for registering telecommunications providers established in Case No. U-11900, and the Commission's order in Case No. U-11917.

THEREFORE, IT IS ORDERED that:

A. Within 21 days, Titan Telecommunications, Inc., and Christopher Bucci shall show cause why they are not in violation of the Michigan Telecommunications Act, the registration procedures adopted in Case No. U-11900, and the Commission's order in Case No. U-11917.

B. Within 21 days, Titan Telecommunications, Inc., and Christopher Bucci shall show cause why the registration of Titan Telecommunications, Inc., should not be revoked.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand  
Chairman

( S E A L )

/s/ David A. Svanda  
Commissioner

/s/ Robert B. Nelson  
Commissioner

By its action of May 3, 2000.

/s/ Dorothy Wideman  
Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. Within 21 days, Titan Telecommunications, Inc., and Christopher Bucci shall show cause why they are not in violation of the Michigan Telecommunications Act, the registration procedures adopted in Case No. U-11900, and the Commission's order in Case No. U-11917.

B. Within 21 days, Titan Telecommunications, Inc., and Christopher Bucci shall show cause why the registration of Titan Telecommunications, Inc., should not be revoked.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Chairman

---

Commissioner

---

Commissioner

By its action of May 3, 2000.

---

Its Executive Secretary

In the matter, on the Commission's own motion, )  
for **TITAN TELECOMMUNICATIONS, INC.**, )  
and Christopher Bucci, its president, to show cause )  
why they are not in violation of Section 505 of the )  
Michigan Telecommunications Act and the Commis- )  
sion's orders in Cases Nos. U-11900 and U-11917. )  
\_\_\_\_\_ )

Case No. U-12400

Suggested Minute:

“Adopt and issue order dated May 3, 2000 requiring Titan Telecommunications, Inc., and Christopher Bucci, its president, to show cause why they are not in violation of Section 505 of the Michigan Telecommunications Act and the Commission orders in Cases Nos. U-11900 and U-11917, as set forth in the order.”