

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause )  
proceedings for failure to file 1988 )  
annual reports: )  
)  
ALLTELCO OF FLORIDA, INC. ) DOCKET NO. 890558-TI  
800 TELPATCH SERVICE, INC. ) DOCKET NO. 890565-TI  
) ORDER NO. 21426  
) ISSUED: 6-22-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
THOMAS M. BEARD  
BETTY EASLEY  
GERALD L. GUNTER  
JOHN T. HERNDON

ORDER INITIATING SHOW CAUSE PROCEEDINGS

BY THE COMMISSION:

Rule 25-24.480, Florida Administrative Code (the Rule), requires that each interexchange carrier (IXC) file reports with this Commission. The reports, due on January 31st of each year, require basic company information as well as construction and capacity data.

On December 19, 1988, Staff sent a memorandum to all certificated IXCs directing their attention to the Rule. The memorandum included a copy of the Rule, and a "fill in the blank" annual report form to help simplify the IXC's task. On February 9, 1989, Staff sent a second notice to 49 IXCs that failed to respond to the initial letter by the required January 31, 1989 filing date. The second letter warned the IXCs that if they did not comply with the Rule and submit an annual report, the Commission would impose a fine or possibly cancel their certificates. Again, this letter included a copy of the Rule and an annual report form, as well as the name of a Staff member who would be available to answer any questions the IXC may have.

Last year, show cause proceedings were initiated against Alltelco of Florida, Inc. (Alltelco), and 800 Telpatch Service, Inc. (Telpatch), for failing to file their 1987 reports on time. By Order No. 19513, issued June 20, 1988, these companies were fined for these rule violations. Both companies filed their 1988 reports beyond the January 31, 1989 deadline. We cannot tolerate repeated disregard of our rules by regulated utilities; therefore, we are compelled to impose sanctions designed to discourage such repetition. Accordingly, we find it appropriate to initiate a show cause proceeding against each company in order to determine whether a \$4,000 fine should be

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imposed pursuant to Section 364.285, Florida Statutes, for its apparent failure to file annual report in a timely manner.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alltelco of Florida, Inc., and 800 Telpatch Service, Inc., shall show cause in writing why a \$4,000 fine should not be assessed against each for its second failure to file timely reports required by Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that the written responses of Alltelco of Florida, Inc., and 800 Telpatch Service, Inc., to this show cause order must be received by the Director of Records and Reporting, 101 E. Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 12, 1989. It is further

ORDERED that any response filed by Alltelco of Florida, Inc., or 800 Telpatch Service, Inc., must contain specific statements of law and fact. It is further

ORDERED that the failure by either Alltelco of Florida, Inc., or 800 Telpatch Service, Inc., to file a written response within the prescribed time period will constitute an admission of noncompliance and a waiver of any right to a hearing.

ORDERED that the failure by either Alltelco of Florida, Inc., or 800 Telpatch Service, Inc., to request a hearing in any written response that is submitted will constitute a waiver of any right to a hearing.

By ORDER of the Florida Public Service Commission,  
 this 22nd day of JUNE, 1989.

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 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

DLC

by: Kay Flynn  
 Chief, Bureau of Records

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.

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This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are adversely affected by the action proposed by this order may file a petition for a formal proceeding pursuant to Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 12, 1989. Failure to respond by July 12, 1989, shall constitute a 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(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on July 13, 1989. Moreover, the failure to request a hearing in any petition that is filed will constitute a waiver of any right to a hearing.

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 sewer 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 the default date set forth in 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.