

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show cause proceedings against)	
certain IXC's for violation of)	
Commission Rule 25-24.480, F.A.C, 1987)	
Annual Report Requirements:)	
)	
CAPRICORN COMMUNICATIONS)	DOCKET NO. 880368-TI
ENGINEERING CORP.)	
FLORIDA DIGITAL NETWORK, INC.)	DOCKET NO. 880374-TI
LAYNE COMMUNICATIONS COMPANY d/b/a)	DOCKET NO. 880388-TI
COINPHONE SERVICES)	
)	ORDER NO. 21881
)	ISSUED: 9-13-89

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 DECLARING UNPAID PENALTIES UNCOLLECTIBLE

BY THE COMMISSION:

By separate Orders issued on March 23, 1988, we directed Capricorn Communications Engineering Corp. (Capricorn), Florida Digital Network, Inc. (FDN), and Layne Communications Company d/b/a Coinphone Services (Layne) to show cause why they should not be penalized for failure to file their 1987 Annual Report as required by Rule 25-24.480, Florida Administrative Code. The show cause proceedings were initiated because these companies failed to respond to two earlier letters. These interexchange carriers (IXCs) did not respond to the show cause orders. By Order No. 19513 (the Order), issued June 20, 1988, these companies were each fined \$2,000. The Order suspended \$1,800 of the fine assessed against both Capricorn and Layne, and \$1,500 of the fine assessed against FDN. The Order further provided that if the companies did not pay the fine within thirty (30) days of the issuance of the Order, their IXC certificates would be cancelled without further Commission action. None of the above companies have paid the fine ordered, and each of their certificates have been revoked.

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In attempting to collect these overdue penalties, the Commission Staff has established the following current status for each of the above IXC's.

Capricorn - Staff received a letter from the company on April 11, 1988. Capricorn never began operations as an IXC and apparently had been trying to voluntarily cancel its IXC certificate for some time. An additional letter from Capricorn was received on September 7, 1988. This letter detailed the company's financial difficulties, including suits by creditors and an IRS tax lien.

FDN - Staff received a letter from the company on July 5, 1988. FDN filed Chapter 11 bankruptcy proceedings in October of 1987, and ceased all its business operations. Even so, the company promised it would file the 1987 annual report. However, staff has been unable to contact this company since then. Mail sent to them has been returned as undeliverable.

Layne - Staff received a letter from the company on March 30, 1988. This letter included the 1987 annual report. However, this letter also indicated that Layne never began operations as an IXC and that it wanted the IXC certificate cancelled.

Due to the status of these IXC's and the Commission's reasonable, though unsuccessful efforts to collect these outstanding fines, we find it appropriate to declare the total \$900 owed as uncollectible.

Based on the foregoing, it is

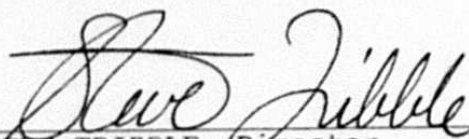
ORDERED by the Florida Public Service Commission that the \$200 fine assessed against Capricorn Communication Engineering Corp., the \$200 fine assessed against Layne Communications Co. d/b/a Coinphone Services, and the \$500 fine assessed against Florida Digital Network, Inc., are hereby determined to be uncollectible. It is further

ORDERED that this account be referred to the Department of Banking and Finance for further collection efforts or for permission to write off this fine as uncollectible. It is further

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ORDERED that this docket shall remain open pending notification from the Department of Banking and Finance of its decision in this matter, after which this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission,
this 13th day of SEPTEMBER, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

ABG/LS

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial

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review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.