

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause	)	DOCKET NO. 900254-TI
proceedings against ALLNET COMMUNICATIONS)	)	
SERVICE for failure to comply with	)	ORDER NO. 23337
Commission Rule 25-24.480.	)	
<hr/>		ISSUED: 8-9-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 FRANK S. MESSERSMITH

FINAL ORDER

BY THE COMMISSION:

In 1990, thirty (30) interexchange carriers (IXCs) did not file their 1989 Annual Report by the prescribed January 31, 1990 deadline. At the April 17, 1990 Agenda Conference, we voted to initiate show cause proceedings against 28 of these IXCs for violation of Rule 25-24.480, Florida Administrative Code. The show cause orders were issued May 7, 1990. A written response was due by May 28, 1990. In the alternative, the order set out a settlement proposal, a response to which was due by June 7, 1990.

Allnet failed to file a response to the show cause order or to accept the settlement proposal by the respective prescribed dates. Allnet failed to respond to attempts to contact its designated contact person during the first week of June. On June 13, 1990, the process to finalize the show cause order, cancel Allnet's certificate and close the docket began.

On June 15, 1990, the docket was reopened. On June 19, 1990, Allnet filed a Petition for Waiver and reinstatement of its certificate with a check for \$5,000. In its response, Allnet requested that this Commission waive the 30-day response requirement in Order No. 22895 and that we accept their tender of \$5,000 on the date submitted.

Allnet's petition argues that a timely response to Order No. 22895 was prevented by internal management problems and personnel shakeups. We are unpersuaded that such self created

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problems are ever a valid justification for failure to abide by the rules applicable to a regulated industry.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Allnet Communication Services, Inc. be fined \$10,000 for failure to comply with Rule 25-24.480, Florida Administrative Code. It is further

ORDERED that Allnet pay \$2,500 in addition to the \$5,000 already paid. It is further

ORDERED that the remaining \$2,500 fine be held in abeyance pending timely filing with the 1990 filing requirement. It is further

ORDERED that this docket remain open for 30 days pending payment of the aforementioned fine. It is further

ORDERED that failure to pay the fine within the prescribed 30 days shall result in the Certificate of Public Necessity and Convenience held by Allnet Communications Services, Inc. being cancelled. It is further

ORDERED that Staff is authorized to administratively close this docket after 30 days.

By ORDER of the Florida Public Service Commission,  
 this 9th day of AUGUST, 1990.

  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

JKA

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

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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 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.