

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5156 issued to Tel-Central Communications, Inc. for violation of Rule 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated.

DOCKET NO. 971176-TI
ORDER NO. PSC-97-1435-FOF-TI
ISSUED: November 14, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING UPDATE OF ALL PERTINENT
ADDRESSES AND TELEPHONE NUMBERS OR CANCELING
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE
AND DIRECTING CERTIFICATED LOCAL EXCHANGE
TELECOMMUNICATIONS PROVIDERS
TO DISCONTINUE SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Tel-Central Communications, Inc., (Tel-Central) currently holds certificate of public convenience and necessity number 5156 issued by the Commission on June 21, 1997, authorizing the provision of interexchange telecommunications service. Tel-Central has not updated information regarding its address and telephone number, as required by Rule 25-24.480(2), Florida Administrative Code. On August 13, 1997, Commission Staff mailed a certified letter to the address listed in the Commission Master Directory.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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The letter was returned by the US Postal Service, stamped, "Moved, Left no Address." Commission Staff has also attempted to contact Tel-Central by telephone on numerous occasions. The telephone number listed in the Commission Master Directory has been disconnected. To date, staff has been unable to locate an updated number. Pursuant to Rule 25-24.480(2), Florida Administrative Code, a company is given ten days to after a change occurs to file updated information indicating any change in the certificate holder's address or telephone number, or any change in the name, address, or telephone number of the individual serving as primary liaison with the Commission. It has been more than ten days since Commission inquiries were returned by the US Postal Service and Tel-Central has not yet updated its information.

For the reason described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Tel-Central's certificate, unless the company pays a \$500 fine for failure to comply with Rule 25-24.480 (2), Florida Administrative Code, and updates all pertinent addresses and telephone numbers to the Commission's Division of Records and Reporting. Tel-Central must comply with these requirements within 5 business days from the date this Order becomes final. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate statutory penalties and interest charges are received, this docket shall be closed. Should Tel-Central fail to comply with this Order within 5 business days from the date this Order becomes final, Tel-Central shall have its certificate canceled and the docket will be closed. The cancellation of the certificate and the closing of the docket in no way diminishes Tel-Central's obligation to pay applicable statutory penalties and interest charges.

Should Tel-Central's certificate be canceled, all certificated local exchange carriers in the State of Florida are instructed to discontinue service to Tel-Central, pursuant to Rule 25-24.805, Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Interexchange Service Providers. Any certificated local exchange carriers providing service to Tel-Central must contact the Commission at the conclusion of the response period indicated herein in order to determine if Tel-Central's certificate has been canceled.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tel-Central Communications, Inc., must update all changes to its address and telephone number to the Commission's Division of Records and Reporting and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.480(2), Florida Administrative Code, within 5 business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Tel-Central Communications, Inc., fail to comply with this Order, Tel-Central Communications, Inc.'s certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Tel-Central Communications, Inc.'s obligation to pay applicable statutory penalties and interest charges. It is further

ORDERED that all certificated local exchange telecommunications providers shall discontinue service to Tel-Central Communications, Inc., upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission, this 14th
day of November, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JRB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and

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Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 5, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 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.